



## **Board of Health Agenda**

Date: May 27, 2020

Time: 2:00 PM

Location: Conducted by Remote Participation

### **AGENDA ITEMS**

#### **1. Administrative**

##### **BOARD OF HEALTH MEETING AGENDA**

Date: Wednesday, May 27, 2020

Time: 2:00pm

Location: Conducted by Remote Participation

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency, the May 27, 2020 public meeting of the Arlington Board of Health shall be physically closed to the public to avoid group congregation. The meeting shall instead be held virtually using Zoom.

##### ***Public access to this meeting shall be provided in the following manner:***

Real-time public comment can be addressed to the Board of Health utilizing the Zoom virtual meeting software for remote participation. This application will allow attendees to request an opportunity for public comment, and allow the Board Chair to grant attendees the opportunity for public comment. Attendees can use either phone or computer to participate in the meeting. Public comment can also be sent in advance of the meeting by emailing the Board of Health at [boh@town.arlington.ma.us](mailto:boh@town.arlington.ma.us) by no later than 5pm on May 26, 2020. Submitted public comment will be read into the record at the appropriate points in the meeting.

##### ***Zoom Login instructions:***

Instructions and the meeting link for this specific meeting can be found on the Board's agenda and minutes page or on the Town's meeting calendar. The meeting registration information is listed below. When attendees enter the meeting, they will be placed into a virtual waiting room. Attendees will be admitted into the meeting from the waiting room at the start of the meeting.

Please register in advance for this meeting:

<https://zoom.us/meeting/register/tJMrfuihqzoqGdDcxRWnxILhFs5yhushmqPI>

After registering, you will receive a confirmation email containing information about joining the meeting.

### **Agenda Items**

#### **2. Acceptance of Meeting Minutes from February 5, 2020**

3. Acceptance of Meeting Minutes from May 6, 2020
4. Acceptance of Meeting Minutes from May 13, 2020
5. COVID-19 Situational Update

HEARING:

6. HEARING:  
Apothca, Inc. - Permit to Operate Co-Located Registered Marijuana Dispensary and Marijuana Establishment

UPDATES:

7. UPDATES:  
Environmental
8. UPDATES:  
Restaurant
9. UPDATES:  
Public Health Nurse

PUBLIC COMMENT

Adjourn



## Town of Arlington, Massachusetts

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### Administrative

#### Summary:

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### Agenda Items



## Town of Arlington, Massachusetts

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### Acceptance of Meeting Minutes from February 5, 2020

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	2020_2_5_MinutesMeeting.pdf	Meeting Minutes 5-2-2020



## **Board of Health Minutes**

Date: February 5, 2020

Time: 5:30 PM

Location: Ground Floor Mural Room

Attendance: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg, Dr. Kevin Fallon

### **1. Acceptance of Meeting Minutes from December 4, 2019**

A motion to approve was made by Kevin Fallon, and seconded by Marie Walsh Condon, with a result of Passed.

Vote: 2-0 in favor of the motion

### **2. HEARING:**

#### **Keeping of Hens - 6 Grandview Road**

Inspector Kylee Sullivan updated the Board on this continued hearing for a keeping of hens permit. Inspector Sullivan informed the Board that, after consultation with Town Counsel, it is confirmed that a variance cannot be granted by the Board to permit the keeping of more than six hens on a property in Town. Mr. O'Donnell reported that there are currently seven hens on his property. Inspector Sullivan recommended the Board conditionally approve issuing a Keeping of Hens Permit to Mr. O'Donnell based upon the applicant successfully completing a keeping of hens course and keeping no more than six hens on his property by March 13, 2020.

A motion was made by Kevin Fallon, and seconded by Marie Wash Condon to conditionally approve the issuance of a keeping of hens permit.

Vote: 2-0 in favor of the motion

### **3. PRESENTATION:**

#### **Annual Report**

Director Natasha Waden reviewed the Health Department's 2019 Annual Report. Director Waden discussed key points of the report including:

- 368 Food Permits were issued
- 19 Tobacco Permits were issued
- 448 total Permits were issued
- Trends in communicable diseases
- Over 1,600 flu vaccinations were administered

- Arlington became the host agency for the Region 4B Medical Reserve Corps (MRC), newly named the Metro East MRC
- The Sealer of Weights and Measures no longer services the Town of Belmont

#### 4. UPDATES:

##### Staffing

Director Waden informed the Board of staffing changes within the Health Department. Karen Koretsky stepped down as Director of the Arlington Youth Health and Safety Coalition and the Department has posted a description to fill this position vacancy. Jill Harvey recently joined the Department as the Diversity, Equity, and Inclusion Coordinator. Vivian Zeng is a new contracted food inspector. Finally, the Department is looking to hire a summer Public Health Associate and will be conducting interviews in the coming weeks.

#### 5. UPDATES:

##### Environmental

Inspector Padraig Martin updated the Board about ongoing changes to state tobacco regulations. He reported that the Public Health Council approved new regulations. Additionally, there have been changes made to the fining structure of tobacco sales to persons less than 21 years of age. The fine amounts have increased considerably and the state is providing guidance on how municipalities can educate retailers and enforce these fines.

Inspector Martin reported to the Board that Apothca is moving to a new location in Town and will be co-locating medical and adult-use recreational marijuana. Apothca will have a hearing with the Board before being issued a permit to operate.

#### 6. UPDATES:

##### Restaurant

Inspector Martin informed the Board that food establishment 2020 permit renewals went well. No new establishments have opened. Prime Your Trusted Butcher recently closed. Inspector Sullivan reported that Anthony's East Side Deli is in the process of changing ownership.

#### 7. UPDATES:

##### Public Health Nurse

Director Waden informed the Board that this year it is an active flu season. Director Waden also discussed COVID-19, the novel coronavirus. She reported that the Department has participated in coronavirus conference calls hosted by the Massachusetts Department of Public Health and the Centers for Disease Control and Prevention (CDC) and continue to follow guidance set forth by these agencies.

#### Adjourn



## Town of Arlington, Massachusetts

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### Acceptance of Meeting Minutes from May 6, 2020

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	050620_Minutes_Board_of_Health.pdf	Meeting Minutes 5-6-2020



## Board of Health Minutes

Date: May 6, 2020

Time: 2:00 PM

Location: Conducted by Remote Participation

Attendance:

### 1. Administrative

Date: May 6, 2020

Time: 2:00 PM

Location: Conducted by Remote Participation

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency, the May 6, 2020 public meeting of the Arlington Board of Health shall be physically closed to the public to avoid group congregation. The meeting shall instead be held virtually using Zoom.

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Attendees can use either phone or computer to attend the meeting. The Board of Health requests that public comment be sent in advance of the meeting by emailing the Board of Health at [boh@town.arlington.ma.us](mailto:boh@town.arlington.ma.us) by no later than 5pm on May 5, 2020. Submitted public comment will be read into the record at the appropriate points in the meeting.

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Register in advance for this meeting:

<https://zoom.us/meeting/register/tJYtduhrzovHd0BYZhlwRH4--rdomW8U2J9>

After registering, you will receive a confirmation email containing information about joining the meeting.

*Members of the public are strongly encouraged to send written comment regarding any of agenda items by emailing [boh@town.arlington.ma.us](mailto:boh@town.arlington.ma.us).*



Administrative: Public Health Director, Natasha Waden provided the following opening statement.

Thank you for joining the meeting today. Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law and allowing us to adhere to social distancing requirements during the Covid-19 crisis, this Town of Arlington Board of Health meeting is being held virtually via Zoom for audio and video participation of Board Members and the public.

Guidelines, controls, and procedures for conducting the virtual meeting were provided to ensure that the meeting is safe and effective. Confirmation was made that all members and persons anticipated on the May 6, 2020 agenda were present and had audio and visual capabilities.

Director Waden continued her statements by informing all participants that in order to mitigate the transmission of the COVID-19 Virus, the Town of Arlington has been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely.

The Order allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will have a public comment period at the end of the meeting during which members of the public will be able to provide comments to the Board. If you would like to comment during the public comment period, please use the "Raise Hand" function if on a computer, or "Dial \*9" if on the phone. When your name or phone number is called, and you are unmuted, please state your name and provide your comment. All attendees will be afforded 3 minutes for any comments.

For this meeting, the Board of Health is convening by telephone and computer conference via Zoom as posted on the Town's Website identifying how the public may join.

As the meeting facilitator, Director Waden stated she will be the only participant sharing their screen. Board Members and Department Staff may be participating by video conference. Accordingly, please be aware that other folks may be able to see you. Anything that you broadcast may be captured by the recording.

All of the materials for this meeting are available on the Novus Agenda dashboard, and it was recommended that Board Members and the public follow the agenda as posted on Novus unless otherwise noted. Similarly, members of the public are encouraged to provide written public comments, but should understand that not all participants, nor all Board Members, will be able to see any written comments during the course of this meeting.

Director Waden reviewed some ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes.

Marie Walsh Condon, the Board Chair, will introduce each agenda item. After the item is presented, she will go down the list of Board Members, inviting each by name to provide any

comment, questions, or motions. Please hold comments or questions until your name is called and you are unmuted.

For any response, please wait until the Chair yields the floor to you, and state your name before speaking.

Finally, each vote taken during this meeting will be conducted by roll-call vote.

For anyone who speaks during today's meeting: Please remember to speak clearly and in a way that helps generate accurate minutes.

## 2. COVID-19 Situational Update

Dr. Marie Walsh Condon welcomed all to the meeting and asked Director Waden to provide a situational update regarding the Town's response to the COVID-19 pandemic. Director Waden informed the Board that the Health Department began monitoring in early February the world-wide spread of the Novel Corona Virus. In the early stages the Department monitored and instructed 14-day quarantines for travelers arriving from China and other high risk infection areas. At that time, members of the Department also participated in regularly scheduled conference calls with the Massachusetts Department of Public Health as well as the CDC. Key town officials met the first week in March, a group which is now commonly referred to as the Arlington COVID-19 Leadership Committee. The Health Department received notification of the 1<sup>st</sup> positive COVID-19 case on Saturday, March 7<sup>th</sup> as well as one of the 1<sup>st</sup> suspect positive cases in the state for a Student. The Health Department began working with the Leadership Committee and made the decision to close the school in which the student attended, on Monday, March 9<sup>th</sup> to sanitize the school as well as to identify all close contacts of the student. All close contacts were identified and placed on a 14-day quarantine period. Later that week a decision was made to close all Arlington schools, and subsequently on 3/15/2020 Governor Baker made the decision to close all Massachusetts schools for 3 weeks, an order which has since been extended through the end of June. The Health Director has been in constant communication with the Board of Health Chair, Dr. Marie Walsh Condon, throughout this period. The Health Department staffed a call center for residents; issued advisories and memos to business regarding details of the Governors Orders, and on Essential/Non Essential Business operations. The town also instituted a curb side only pick-up option for essential businesses, with the exception of Supermarkets and Pharmacies. The Health Department has received 561 calls related to COVID-19 and has issued 4 orders to businesses to cease and desist operations because they were found to be operating against the Governors "Essential/Non Essential Business Order". The Health and Human Services Department consists of the Health Department, Council on Aging, Veterans Services, and Arlington Youth Counseling Center. All Divisions within Health and Human Services Department have been working diligently on providing services and guidance throughout this pandemic. The Department has provided over 1,800 fabric masks to seniors in senior housing buildings and also has organized a Personal Protective Equipment (PPE) donation drive which has collected and donated over 15,000 units of PPE to first responders and medical staff. The Health and Human Services Department, in collaboration with the Planning Department, has started the Arlington COVID-19 relief fund which is currently up and running. The Health &

Human Services Department has been working collaboratively with Arlington Eats and the Arlington Schools to coordinate food and meal deliveries for all residents in need. To date, approximately 3,000 meals have been provided. The Arlington Health Department is also the host agency to the Metro East Medical Reserve Corp Unit and has deployed over 100 volunteers to assist in long-term care facilities, hospitals, call centers, and with meal/food deliveries. The Health Department has also worked with all 3 long-term care facilities located in Arlington.

Director Waden yielded the floor to Public Health Nurse Jessica Kerr who provided a health update and reported the town of Arlington currently has 248 positive cases and has traced and quarantined all contacts. She also reported to date there has been 25 deaths related to COVID-19 in Arlington. Nurse Kerr reported the Health Department is also working with all group homes, long-term care facilities, and assisted living facilities, and has worked with these facilities to coordinate testing by the National Guard as needed. Nurse Kerr informed the Board that the role of the Health Department and Public Health Nurse has been to investigate communicable disease, which is something the Department has always done. She stated what is different with the Communicable Disease COVID-19 is the volume is far greater than is typical and the higher numbers can sometimes strain the state data base system (MAVEN) which maintains the data. Nurse Kerr reported she receives regular updates and guidance from the CDC, WHO, and Massachusetts Department of Public Health. Nurse Kerr reviewed the processes with the Board and stated the Health Department receives positive test results from the State data base. Once notified, the Department contacts the resident to make sure they received the results. Staff then reviews with the resident the isolation process, symptoms and when they first began, as well as a review of their employment. The next phase is to determine anyone the resident may have been in close contact with 48 before they first displayed symptoms, as well as since testing positive. All identified close contacts are informed to quarantine for 14 days. Nurse Kerr informed the Board that the State of Massachusetts has also begun a contact tracing collaborative. This program is in the early stages, and it has been determined that the Arlington Health Department can more expeditiously perform Contact Tracing on our own at this time. As numbers increase, the Health Department will plan to bring on more staff for Contact Tracing including the COA Nurse, School Nurses, as well as Volunteers as needed. Nurse Kerr yielded the floor back to Director Waden.

Director Waden provided an update regarding the long-term care facilities in Town. She stated the Arlington Fire Department reached out in early March to make sure each long-term care facility in town had plans in place in case of a COVID-19 cluster. AFD staff then reviewed the plans with the facilities, and made recommendations as appropriate. In early April the Health Department received notification of the 1<sup>st</sup> positive cases at Sunrise Assisted Living. The Health Department and Facility communicated on a daily basis. The Health Department received a list of all residents, symptoms, and had constant conference calls with state agencies, including the Department of Public Health as well as the Executive Office of Elder Affairs to make sure everything that needed to be done, was being done. A list of all staff was also obtained to determine if any were sick and/or symptomatic. Additionally the Health Department was working with the facility to keep track of PPE supplies on site to make sure they have adequate supplies. Patients that had tested positive were moved to an isolated area of the facility and only had dedicated staff tending to/caring for them.

The Health Department also worked with Sunrise Assisted Living and partnered with Fallon Ambulance service to provide testing to 12-15 individuals who were symptomatic and Fallon brought the swabs to the state lab for testing. Weeks later requirements had changed which allowed for the National Guard to provide testing services at Assisted Living Facilities. Later the National Guard did test all individuals and staff at Sunrise Assisted Living and the Health Department continues to be in regular contact with them.

Also in April, Park Ave Nursing and Rehabilitation Center began reporting possible cases. The Health Department, under the direction of Director Waden, followed the same procedures as referenced at Sunrise. Park Ave did have clinical staff on site as well as some testing kits on site. Additional kits from the National Guard were also made available and all residents and employees were tested. As referenced at Sunrise, Park Ave patients that had tested positive were moved to an isolated area of the facility and only had dedicated staff tending to/caring for them to help stop the spread of the virus. Park Ave was able to obtain state testing kits and did not require the National Guard to provide testing.

In mid to late April the Health Department was notified of the first case at Brightview. The same procedures were followed. The National Guard tested all residents and employees at Brightview as well.

The Health Director is in continued communication with all three long-term care facilities on a daily basis.

As we begin to shift gears, the Health Department will continue with Contact Tracing in-house, and will also now expand focus on how to re-open Businesses, Town Departments, and hold other community events as safely as possible. We will rely on Contact Tracers to continue that important work but also will identify what policies will need to come into play for the community to reopen. At this time, it is unknown about the status of public pools, summer camps, etc. but the Director and Staff are continuously monitoring these issues. There will continue to be daily/weekly calls with state officials, the command center, and DPH partners. The Arlington COVID-19 Leadership Committee discusses daily any and all issues related to this pandemic. Director Waden reiterated this virus is new, it's novel, and as the information changes, we will try to keep all informed and adapt as quickly and as best we can. Director Waden yielded the floor to Chair Marie Walsh Condon.

Dr. Walsh Condon thanked Director Waden, the Health Department, and the Health & Human Services Staff for all their hard work. She stated she knows the many long days and nights that have been worked, including working to midnight as well as working all weekend long to address this crisis. She lauded the Health and Human Services Staff for proactive measures including coordinating efforts to provide face masks for seniors who reside at Senior Housing Buildings, and coordinating/partnering with others to provide meals to those with food insecurity. She stated that Director Waden and her staff have done an amazing job in reaching out to the community, and the Board appreciates that hard work. Dr. Walsh Condon yielded the floor to Board Members Kenneth Kohlberg and Kevin Fallon who also thanked the staff and Director Waden in particular for keeping the Board and Community informed and updated, and for all their hard work.

### 3. DISCUSSION:

ORDER REQUIRING FACE COVERINGS IN PUBLIC PLACES WHERE SOCIAL DISTANCING IS NOT POSSIBLE

Dr. Marie Walsh Condon informed the Board that last week the Town released a public health advisory asking residents to wear a mask covering at all times when out in public, both while in essential stores and while outside in open spaces like sidewalks, the bike path, and parks. On Friday, May 1st Governor Baker announced a state order regarding face coverings. The Governors' order goes into effect today, May 6th. Dr. Marie Walsh Condon yielded the floor to Director Waden.

Director Waden requested the Governors' order be posted on the screen for all to see and reviewed key points. She stated that Town Counsel has reviewed the order and recommended the Board consider a supplemental order to clarify a couple of matters. The supplemental order might address: giving authority to public health agents under Chapter 111; and rely on local and state police officers for enforcement and issuance of fines/tickets. It may also clearly set the fine structure, which in the Governors Order lists fines up to \$300 per offense. Director Waden stated it would be most appropriate to consider a supplemental order at next weeks' meeting scheduled for May 13<sup>th</sup> at 2:00 pm. Director Waden yielded the floor to Dr. Marie Walsh Condon.

Dr. Marie Walsh Condon stated that wearing face coverings is very important and is one way to help stop the spread of the virus, with the goal of getting us to the downslope and not just the plateau. She further referenced the importance of social distancing, as well as hand washing as all good measures to help stop the spread. Dr. Walsh Condon stated she would be in favor of clarifying the matters referenced above and working on the appropriate amount for fines. Director Waden stated her staff will reach out to other communities and provide guidance at the next meeting on how best to adjust the ticketing/fine structure and information will be presented back to the Board.

#### 4. DISCUSSION:

##### COVID-19

##### Testing

Health Director Waden informed the Board that currently Arlington does not have a designated testing site for COVID-19. There is great interest within our community to be able to refer residents for testing. The Health Department is looking at the feasibility to partner with other businesses/organizations to provide testing. Other options could be to partner with neighboring communities. Discussions at this time would cover COVID-19 testing only and not Antibody testing. The Department is in the beginning stages of planning, and will report back to the Board as appropriate. Director Waden yielded the floor to Chair Marie Walsh Condon.

Dr. Marie Walsh Condon stated that Antibody Testing is in the very early stages of development. She stated there are many things to consider which include: false positive results, false negative results, and that having the presence of antibodies may not mean you are immune to COVID-19. There is still a lot to learn regarding this new novel virus. Dr. Walsh Condon also stated that in some cases the test might be given prematurely, which could provide a negative result, even though you might have been infected with the virus. She

stated that currently there is no cut and dry test available, but more will come in the future regarding Antibody testing.

5. DISCUSSION:

Board of Health Meeting Schedule

Director Waden proposed the following “draft meeting schedule” for the Board’s review: May 13, 2020; May 27, 2020; June 10, 2020; June 24, 2020 (2:00 pm was recommended time). Director Waden stated she would recommend the Board meet every 2 weeks, especially during the reopening phase of COVID-19, whereas there may be the need for orders to be issued by the Board. All meetings will be held remotely (via Zoom) at this time. All Board Members agreed to this revised meeting schedule and the Health Department Staff will send confirmation of revised dates and time. Director Waden yielded the floor to Chair Marie Walsh Condon.

Dr. Walsh Condon wanted to take a moment and announce that today is “National Nurses Day” and stated that the Town is very lucky to have Jessica Kerr as our Public Health Nurse. On behalf of the Board and Community she wishes to thank Jessica for all her hard work and would like to wish Jessica a Happy Nurses Day.

6. DISCUSSION:

Public

Comment

Dr. Marie Walsh Condon invited attendees to provide public comment. She provided all with the process and procedures for sharing public comment. She stated all attendees will be afforded 3 minutes for any comments.

No Public Comment made.

7. DISCUSSION:

Adjourn

Dr. Marie Walsh Condon stated this concludes the agenda for today’s meeting of the Board of Health, and thanked all for participating in today's meeting.

Vote via Roll Call: Unanimous (3-0) in favor of the motion.

Adjourn



## Town of Arlington, Massachusetts

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### Acceptance of Meeting Minutes from May 13, 2020

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	051320_Minutes_Board_of_Health.pdf	Meeting Minutes 5-13-2020



## **Board of Health Minutes**

Date: May 13, 2020

Time: 2:00 PM

Location: Conducted by Remote Participation

Attendance:

### **AGENDA ITEMS**

#### **1. Administrative**

##### **BOARD OF HEALTH MEETING AGENDA**

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Director Waden continued her statements by informing all participants that in order to mitigate the transmission of the COVID-19 Virus, the Town of Arlington has been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely.

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Director Waden reviewed some ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes.

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you are unmuted. For any response, please wait until the Chair yields the floor to you, and state your name before speaking.

Finally, each vote taken during this meeting will be conducted by roll-call vote.

For anyone who speaks during today's meeting please remember to speak clearly in a way that helps generate accurate minutes.

## 2. COVID-19 Situational Update

Dr. Marie Walsh Condon welcomed all to the meeting and asked Director Waden to provide a situational update regarding the Town's response to the COVID-19 pandemic.

Director Natasha Waden reported that as of today, in Arlington, there have been 264 positive COVID-19 cases reported resulting in 31 deaths. Long-term care facilities numbers have remained stable. The Health Department is bringing on additional Contact Tracers to reach out to contacts of confirmed cases. The Health Department has temporarily brought on 3 additional staff including: Lucille Nicholson, former APS Nurse Supervisor, Catherine Barker, student at NEU and former Health Department intern, and Joanne Sliney, Council on Aging Geriatric Nurse Clinician. Contact Tracing will be conducted 7 days per week. Additionally, the Health Department is working to develop a partnership with AFC urgent care to increase COVID-19 testing in town. More information will follow and updates will be posted on the Town Website on the COVID-19 page, which will also provide information for other testing locations nearby, including local hospitals. Director Waden informed the Board that the state is now recommending that direct contacts of confirmed cases be automatically tested, whether they are symptomatic or not. This is a newly revised recommendation.

Director Waden stated that at this time she did not have additional information to share regarding the May 18<sup>th</sup> Phase 1 re-opening. The state is reporting that the 1<sup>st</sup> Phase may include retail establishments with curb-side pick-up, as well as details regarding other essential services. The Department of Labor Standards will be enforcing the re-openings, and it is being reported that this would be a self-certifying process.

Director Waden yielded the floor to Chair Marie Walsh Condon.

## 3. HEARING:

### SUPPLEMENTAL ORDER REQUIRING FACE COVERINGS IN PUBLIC PLACES WHERE SOCIAL DISTANCING IS NOT POSSIBLE

Dr. Marie Walsh Condon highlighted last week's discussions regarding Governor Baker's May 6<sup>th</sup> Order requiring face coverings for all individuals over the age of 2 years old in public and private places where social distancing is not possible. As previously discussed, the Board will be reviewing a supplemental order specific to Arlington which clearly identifies the fining structure and

enforcement. At this time she asked that the Draft Order be shared on screen and asked that Director Waden review the proposal with the Board.

Dr. Marie Walsh Condon yielded the floor to Director Waden.

Director Waden reported that in conversations with Doug Heim, Arlington Town Counsel, it was believed the Governor's Order could be better clarified by putting it under Chapter 111 for proper enforcement. Additionally, it was believed the fine structure could be reworded to provide a clear direction for enforcement in the Town of Arlington. The Governor's Order uses wording that a fine can be issued up to \$300.

Director Waden, yielded the floor to Inspectors Kylee Sullivan and Pat Martin to provide information gathered from their research of other communities throughout the Commonwealth regarding the fine structures and enforcement.

It was reported that the Inspectors looked at and reviewed over 30 different communities Orders regarding face coverings in public. Some are endorsing Governor Bakers Order as is, and others created their own Order entirely. They reported a large variety of fines are being implemented, and stated one community has a fines up to \$1,000. It was reported many communities have a tiered structure such as:

- 1<sup>st</sup> offense (warning/educational)
- 2<sup>nd</sup> offense (\$50 - \$100)
- 3<sup>rd</sup> offense (\$200)
- 4<sup>th</sup> and subsequent offense (\$300)

The floor was yielded to Chair Marie Walsh Condon.

Marie Walsh Condon – Thanked the staff for all their hard work on the Draft Order and believes making this an Arlington specific order is a good idea. She also would like to make this order clear regarding regulatory issues. Dr. Walsh Condon stated she is in favor of a tiered fining structure, but will hold off for Board Comments, and Staff Recommendations.

Dr. Marie Walsh Condon yielded the floor to Board Member Kevin Fallon.

Dr. Fallon asked if the Inspectors had an idea of volume once enacted based on other communities experience. It was reported that although no specific data was made available, most communities did not anticipate issuing many tickets. He further inquired who would be tracking the multiple violations if a tiered system was to be enacted. Director Waden stated they would be relying on the Arlington Police Department, because they have a fining/ticketing structure already in place. Health and Human Services Director, Christine Bongiorno, also shared that the police use a computer system that can search previous offenses while “on the street” or by “checking at the office”. Dr. Fallon stated he is in favor of a tiered fining structure as well.

The floor was yielded to Mr. Kenneth Kohlberg.

Mr. Kenneth Kohlberg inquired who is going to be responsible for enforcing this Order. He stated it is unclear who will be out there on the street observing the violations (Police or Agents), and if the APD has authority to write the tickets or would other designated agents have that authority. He stated

it is a little unclear how, we as the Board, are going to be able to enforce and track violations, even though it falls under our jurisdiction. Mr. Kohlberg also believed a tiered structure makes sense, but also contemplated wording such as: "a warning or a fine up to \$300.00", to give some discretion based on the conduct of the offender.

Mr. Kohlberg yielded the floor to Chair Marie Walsh Condon who stated the following:

Any member of the public that would like to comment on the draft order is asked to please use the "Raise Hand" function if on a computer, or "Dial \*9" if on the phone. When your name or phone number is called, and you are unmuted, please state your name and provide your comment. All attendees will be afforded 3 minutes for any comments. Please note, comments should be related to the draft order at this time, there will be a public comment period at the end of the meeting for general comments.

No Public Comments were made.

Dr. Marie Walsh Condon yielded the floor back to Director Natasha Waden for Staff Recommendations.

Director Waden stated the Staff recommends, and believe it would be most beneficial, to go with a tiered structure. She stated the intent is not to fine, but is about education and compliance. The recommended fining structure would be:

- 1<sup>st</sup> Offense (Warning)
- 2<sup>nd</sup> Offense (\$50)
- 3<sup>rd</sup> Offense (\$100)
- 4<sup>th</sup> and any subsequent offences (\$300)

It was recommended not to leave discretion up to individuals, but to set a clear standard and put it in place.

The floor was yielded to Dr. Marie Walsh Condon.

Board Members, do I hear a motion regarding the Temporary Order on Masks or Facial Coverings in Public Places?

Motion made by Kenneth Kohlberg

Do I hear a Second?

Second by Kevin Fallon

Roll Call Taken:

When I call your name and unmute you, please respond with your vote.

Marie Walsh Condon – in favor of supporting the staff recommendation

Kevin Fallon – in favor of supporting the staff recommendation

Ken Kohlberg – in favor of supporting the staff recommendation

Motion Approved (3-0) Unanimously

## PUBLIC COMMENT

Our final agenda item is the public comment period.

If you would like to comment during the public comment period, please use the "Raise Hand" function if on a computer, or "Dial \*9" if on the phone. When your name or phone number is called, and you are unmuted, please state your name and provide your comment. All attendees will be afforded 3 minutes for any comments.

No public comment

Floor was yielded to Inspector Kylee Sullivan who wanted to inform the Board that last week the State Guidance for Isolation of individuals who tested Positive for COVID-19 was changed from 7 days from the date of on-set or test date to 10 days.

Floor was yielded back to Dr. Marie Walsh Condon.

That concludes the Board of Health's agenda for today's meeting. Does a Board Member move to close this meeting?

Motion to Adjourn made by Kenneth Kohlberg

Second by: Kevin Fallon

Roll-call vote to close today's meeting. Please respond after I call your name:

Marie Walsh Condon - Yes

Kevin Fallon - Yes

Ken Kohlberg – Yes

Vote 3-0 in favor of the motion (Unanimous)

Thank you everyone for attending and participating in today's meeting. Have a nice night.

Next Board of Health Meeting is scheduled for 5/27/20 at 2:00 pm (Remote – via zoom)

Adjourned 2:35



## **Town of Arlington, Massachusetts**

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### **COVID-19 Situational Update**



## Town of Arlington, Massachusetts

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### Apothca, Inc. - Permit to Operate Co-Located Registered Marijuana Dispensary and Marijuana Establishment

#### ATTACHMENTS:

Type	File Name	Description
Reference Material	Apothca_Marijuana_Application_BOH_memo_5-22-2020.pdf	Apothca Memo
Reference Material	2020_Application_for_Permit_Main.pdf	2020 Application
Reference Material	2020_Application_for_Permit_Narratives.pdf	Application Narratives
Reference Material	Exhibit_B_-_Dispensing_Procedures.pdf	Exhibit B
Reference Material	Exhibit_C_-_Inventory_Procedures.pdf	Exhibit C
Reference Material	Exhibit_D_-_Personnel_Policies_Including_Background_Checks.pdf	Exhibit D
Reference Material	Exhibit_E_-_Plan_for_Restricting_Access_to_Age_21_and_Older.pdf	Exhibit E
Reference Material	Exhibit_F_-_Plan_for_Separating_Recreational_from_Medical_Operations.pdf	Exhibit F
Reference Material	Exhibit_G_-_Prevention_of_Diversion.pdf	Exhibit G
Reference Material	Exhibit_H_-_Qualifications_and_Training.pdf	Exhibit H
Reference Material	Exhibit_I_-_Quality_Control_and_Testing.pdf	Exhibit I
Reference Material	Exhibit_J_-_Storage_of_Marijuana.pdf	Exhibit J
Reference Material	Exhibit_K.pdf	Exhibit K
Reference Material	Exhibit_L_-_Hazardous_Waste.pdf	Exhibit L
Reference Material	Exhibit_M_-_Food_Establishment_Application.pdf	Exhibit M
Reference Material	Exhibit_N_-_Transportation_of_Marijuana.pdf	Exhibit N
Reference Material	Exhibit_O_-_Maintaining_of_Financial_Records.pdf	Exhibit O
Reference Material	Exhibit_P_-_Apothca_Patient_Handbook.pdf	Exhibit P
Reference Material	Exhibit_Q_-_Apothca_Agent_Handbook.pdf	Exhibit Q
Reference Material	Exhibit_R_-_Providing_Medical_Advice_to_Patients.pdf	Exhibit R

▢ Reference Material	Exhibit_S_-_Apothca_Consumer_Education_Materials.pdf	Exhibit S
▢ Reference Material	Apothca_Additional_Information.pdf	Apothca Additional Information
▢ Reference Material	Architectural_Review_Approval_Letter_Apothca__Inc..pdf	Architectural Review Approval
▢ Reference Material	ARLINGTON_PROVISIONAL_LICENSE.pdf	Provisional License





**Town of Arlington**  
**Department of Health and Human Services**  
**Office of the Board of Health**  
27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

**Memo**

To: Board of Health Members

From: Padraig Martin, Lead Health Compliance Officer

Date: May 22, 2020

RE: Permit to Operate Co-Located Registered Marijuana Dispensary and Marijuana Establishment- 1386 Massachusetts Avenue

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Apothca, Inc. submitted an Application for a Permit to Operate a Co-Located Registered Marijuana Dispensary (RMD) and Marijuana Establishment on January 22, 2020. The proposed location of the Co-Located facility is 1386 Massachusetts Avenue. The permit sought is for dispensing of medical and adult use marijuana only, with cultivation and processing remaining off-site. The application was reviewed in accordance with the Town of Arlington Regulations Restricting the Sale of Medical Marijuana and Regulations to Ensure the Sanitary and Safe Operation of Adult-Use Marijuana Establishments & the Sale of Adult-Use Marijuana. Upon initial review, it was determined that additional information was required and subsequently requested. The additional requested information was received on May 8, 2020. It appears the application is complete, insofar as it contains the required elements.

Included in this packet are Apothca's application and supporting materials, response to request for additional information, approval for a provisional license, and architectural review approval from the Cannabis Control Commission. In addition to the above referenced materials, the Board is also being provided with a floor plan and security documents for review. These items contain sensitive security information and will be withheld from the public packet.



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health  
27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

**Application for Permit to Operate a Registered Marijuana Dispensary**

☒ Initial   ☐ Renewal

**1. Please provide the following information:**

Corporation Name: Apothca, Inc.  
Local Address: 1386 Massachusetts Ave, Arlington, MA 02476 Phone: ( 781 ) 859 - 5892  
Corporate Address: 99 Development Rd, Fitchburg, MA 01420

**2. Please provide the following information for the Chief Executive Officer:**

Name: Joseph Lekach Email: Joseph@ArtcanGroup.com  
Address: 1955 Tyler St, Hollywood, FL 33020 Phone: (305 ) 741 - 6540

**3. Please provide the following information for the Dispensary Operator:**

Name: Joseph Lekach Position: CEO  
Email: Joseph@ArtcanGroup.com Phone: ( 305 ) 741 - 6540

**4. Please provide the following information:**

- Cannabis Control Commission Certificate of Registration:  
RMD345/MRN282730
- This application is for the following activity (circle all the apply):  
Cultivation   Manufacturing   Retail   Transporter   Other
- If other, please specify: Co-Located medical and adult-se retail
- If dispensing only, please indicate location of cultivation/processing:  
99 Development Rd, Fitchburg, MA 01420
- Please indicate location of any other Dispensaries operated by the Corporation:  
491 Lynnway, Lynn, MA 01905 (co-located medical and adult-use retail)  
54 Hyde Park Ave, Boston, MA 02130 (opening soon)
- Hours of Operation: 10:00am-8:00pm, 7 days a week

**5. Authorization:**

I agree to the following:

- I have read the Town of Arlington Regulation of the Board of Health Restricting the Sale of Medical Marijuana ("Regulation") and understand I am responsible under this regulation for complying with all applicable local and state regulations and/or laws;
- To abide by the Town of Arlington Regulation of the Arlington Board of Health Restricting the Sale of Medical Marijuana ("Regulation");
- To consent and grant access to the Board of Health, its agent(s) or designee(s) for the purpose of inspection of facilities and/or records;
- To pay promptly to the Town of Arlington any costs or charges associated with the Regulations or any violations thereof;
- To report, in accordance with the Regulation, to all appropriate authorities any significant problems, violations, breaches, thefts or visits by the Cannabis Control Commission;
- To indemnify, defend, protect, and hold harmless the Town of Arlington, its selectmen, officers, agents and employees from and against any and all claims, demands, losses, damages, liabilities, fines, charges, penalties, administrative and judicial proceedings and orders, judgments, remedial actions of any kind, all costs and cleanup actions of any kind, and all costs and expenses incurred in connection therewith, including reasonable attorney's fees and costs of defense (collectively, the "losses"), directly or proximately resulting from the Corporation's negligence with regard to any acts, omissions or conduct in any way related to any activity covered by the Regulation, pursuant to its permit, its application therefore, or resulting from the Corporation's failure to comply with the terms of the permit and the Regulation.

I Joseph Lekach of Apothca, Inc.  
(Chief Executive Officer) (Corporation)

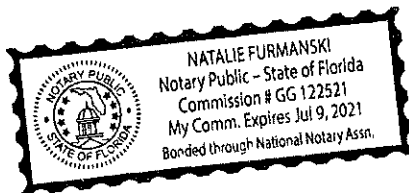
do hereby swear and affirm that all of the facts contained in this application and all attachments are true.

date 1/16/2020

Middlesex, ss.

Subscribed and sworn before me on January 16<sup>th</sup> 2020

by Joseph Lekach



Natalie Furmanski  
Notary Public

6. Please submit one (1) electronic copy and five (5) hard copies of the following items with this application. All items should be clearly marked, collated and bound. Conspicuously identify all materials which are intended to be kept confidential.

- ☒ Non-refundable application fee (Check or money order made payable to the Town of Arlington);
- ☒ A detailed floor plan of the facility. The floor plan must be drawn to scale and indicate the limited access area, as well as other rooms/areas and their corresponding use, including storage and waste storage areas;
- ☒ A roster and current bios of the members of the Board of Directors of the Corporation;
- ☒ A copy of the applicant's operating policies and procedures, as outlined in section D2 of the Regulation and as submitted with the Cannabis Control Commission application;
- ☒ A copy of the applicant's waste plan as described in Section D17 of the Regulation;
- ☒ A copy of the applicant's plan to ensure qualifying patients receive only a 30-day supply of medical marijuana as described in Section F5 of the Regulation;
- ☒ A copy or proof of the surety bond as described in Section J of the Regulation;
- ☒ A copy of an estimate from hazardous waste remediation contractor for facility clean-up as described in Section J of the Regulation; (Initial applications only)
- N/A ☐ A copy of the report outlining the annual community meeting, as well as proof of abutter notification and public advertisement. Please note the annual community meeting shall be held no earlier than 90 days prior to expiration of the annual Permit to Operate a Registered Marijuana Dispensary; (Renewal applications only)
- ☒ A Food Establishment Plan Review Application for applicant's wishing to prepare or sell MIPs.

7. Additional requirements for Colocated Marijuana Operations (CMO). There is no separate application process applicable to CMOs. However, in addition to the requirements set forth in 935 CMR 500.101: Application Requirements, 935 CMR 501.100: Registration of Registered Marijuana Dispensaries, and 501.031: Registration of Independent Testing Laboratories, applicants shall also provide, as part of their application, detailed descriptions of the following:

- ☒ A proposed plan for inventory, including entering inventory into the Seed-to-sale SOR so that it separates adult-use and medical-use products, and transferring inventory between an RMDs and a Marijuana Establishment;
- ☒ A proposed plan for transporting marijuana, MIPs, or marijuana products, including plans for how the CMO will comply with 935 CMR 500.105(13): Transportation Between Marijuana Establishments and 935 CMR 501.110(5): Registered Marijuana Dispensary Transportation of Marijuana and MIPs, and which shall prohibit delivery of adult-use products; and
- ☒ A proposed plan for maintaining records, including plans for separating financial records for adult-use products to ensure compliance with the applicable tax laws;

\*Please note the Board of Health may require and request additional information to process this application.

Submit this application and supporting materials to:

Department of Health and Human Services  
Office of the Board of Health  
Attn.: Padraig Martin, Health Compliance Officer  
27 Maple St.  
Arlington, MA 02476  
pmartin@town.arlington.ma.us

Renewal applications shall be submitted no later than 30 days prior to expiration of the annual permit.

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**For Office Use Only**

Application received on this day \_\_\_\_\_ by: \_\_\_\_\_  
(BOH Staff)

To be heard by the Board of Health at the meeting to be held on \_\_\_\_\_

January 23, 2020

Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health  
27 Maple St  
Arlington, MA 02476

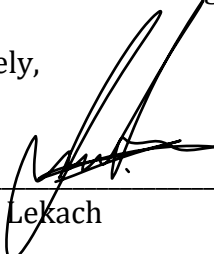
**RE: Operating Permit Application for a Co-Located RMD and MRE Dispensary**

Dear Chairperson Walsh Condon and Board Members:

On behalf of Apothca, Inc. ("Apothca"), we are pleased to submit to the Arlington Board of Health the accompanying Application and supporting documents for a co-located Registered Marijuana Dispensary ("RMD") and Marijuana Retail Establishment ("MRE") Operating Permit in accordance with the Board of Health's regulations.

We look forward to presenting the material and answering any questions members of the Board may have and continue to grow the great partnership between Apothca and the Town of Arlington.

Sincerely,

  
\_\_\_\_\_  
Joseph Lekach

Chief Executive Officer  
Apothca, Inc.

# Narrative Responses

## A. Detailed Floor Plan

A detailed floor plan of the proposed Arlington dispensary is included with this application as Exhibit A.

## B. Roster and Current Bios of Members of the Board Directors

### 1. Rachmil Lekach

Rachmil (“Roma”) Lekach is the Chairman of the Board of Directors of Apothca.

Rachmil has had a prolific career with a focus on retail, manufacturing, and distribution. He co-founded Perfumania, Inc. in 1988, growing it to be the leading specialty fragrance retailer with over 300 stores in 30 states and publicly traded on the NASDAQ. In addition to co-founding Perfumania, Inc., Rachmil served as CEO of Perfumania.com where he managed the IPO for Perfumania.com, oversaw the sale of the company and subsequently repurchased the company in 2000. In 2001, the Lekach family sold the controlling interest in Perfumania.

From 1993-1996, Roma held executive positions in Parlux Fragrances, a NASDAQ listed company manufacturing and distributing fragrances in over 70 countries under license for brand names such as Perry Ellis, Guess and Paris Hilton. The Lekach family sold its controlling interest in Parlux in 2007.

After the sale of Parlux, as part of The Sarpes Group, Inc., Roma served as a key advisor to New Wave Fragrances, LLC which licensed brands such as Ed Hardy, True Religion, BCBG, MaxAzria. New Wave Fragrances was sold to Elizabeth Arden in 2012.

## **2. Andrew Mark Young**

Andrew Mark Young is a Director and the Chief Financial Officer of Apothca.

Andrew is a financial executive with extensive experience in implementing infrastructure systems and processes. He served as CFO and COO of New Wave Fragrances, LLC, a company he co-founded in 2007 that had annual revenues of approximately \$140 million by 2009. Andrew was later part of the team that negotiated and executed the sale of the company in 2012.

From 2000-2005, Andrew served as CFO of Perfumania, a NASDAQ listed company. While at Perfumania, he arranged a reverse merger, successfully obtained a \$40 million asset based line of credit, and relocated the company's corporate headquarters and distribution facility. Under his leadership, the stock price went from below \$0.50 to over \$24 per share.

He later negotiated and executed a change in the controlling ownership and brought the company from a \$13 million loss to a \$14 million net profit in his last two fiscal years as CFO.

## **3. Moshe Y. Bleich**

Moshe Y. Bleich is a Director of Apothca.

Moshe co-founded the Wellesley-Weston Chabad house with his wife in 2000, and he currently serves as the Chief Rabbi and Director. A native of Brooklyn, Rabbi Bleich received his rabbinical ordination in Jerusalem after studying in the US, London, Israel and the Ukraine.

## **4. Corey Cutler**

Corey Cutler is a Director of Apothca.

Corey is a practicing attorney in Massachusetts, and is the founder and owner of Cutler & Associates, a Boston-based law firm. He received his B.A. from Boston University and J.D. from New England School of Law. Corey is a



member of the American Bar Association, Massachusetts Bar Association, Boston Bar Association, The Association of Trial Lawyers of America, Massachusetts Academy of Trial Attorneys, and the National Association of Criminal Defense Lawyers. He is also a licensed Real Estate Broker.

**5. Leon Nitka**

Leon Nitka is a Director of Apothca.

Leon is a graduate of Monmouth University with the BS in Economics and Finance.

Leon is a Principle at USA Property Group, Inc, a real estate company that is headquartered in New York City and engages in a broad range of real estate related activities.

**C. Operating Policies and Procedures Submitted to the Cannabis Control Commission (“CCC”)**

The following Standard Operating Procedures are included in this application:

1. Exhibit B – Dispensing Procedures
2. Exhibit C – Inventory Procedures
3. Exhibit D – Personnel Policies Including Background Checks
4. Exhibit E – Plan for Restricting Access to Age 21 and Older
5. Exhibit F – Plan for Separating Recreational from Medical Operations
6. Exhibit G – Prevention of Diversion
7. Exhibit H – Qualifications and Training
8. Exhibit I – Quality Control and Testing
9. Exhibit J – Storage of Marijuana

**D. Waste Storage and Disposal Plan**

Apothca’s plan for the safe and secure storage and disposal of all marijuana waste and refuse is fully compliant with the CCC’s Regulations and will be

implemented to prevent diversion, theft or loss. MPF's dispensary agents will receive comprehensive training on all waste disposal policies and procedures. As mentioned above, all of Apothca's cultivation and processing activities, including production and packaging of Marijuana Infused Products ("MIPs") will occur at Apothca's cultivation and processing facility in Fitchburg. All MIPs will be pre-packaged prior to their delivery to the Arlington dispensary from Fitchburg.

Apothca will accept, at no charge, any unused, excess, or contaminated marijuana from a registered qualifying patient, personal caregiver, or customer and will have separate, secure storage containers for marijuana products that are outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging have been opened or breached, until such products are destroyed. As part of Apothca's recordkeeping obligations, Apothca will maintain a written record of such disposal, which will include the name of the supplying registered qualifying patient, personal caregiver, or customer, if applicable.

Common business waste that does not contain marijuana will be disposed of in standard garbage receptacles.. Apothca expects only a minimal amount of nonmarijuana waste to be disposed of on-site.

All waste in the Arlington dispensary containing marijuana will be secure, locked containers in limited access areas as explained above before being securely transported by Apothca's dispensary agents back to Apothca's facility in Fitchburg for proper disposal. No disposal of waste containing marijuana will occur in Arlington. In Fitchburg, all waste containing marijuana will be stored, secured, managed and disposed of in accordance with applicable state and local statutes, ordinance and regulations.

Specifically, Apothca's marijuana product waste in Fitchburg will, in accordance with the CCC's regulations, be disposed of via: (1) incineration in a facility holding a permit issued by the Department of Environmental Protection ("DEP"), (2) disposal in a landfill holding a permit issued by DEP, or (3) grinding or incorporating the medical marijuana waste with solid waste to render the marijuana waste unusable, and then disposing the

mixture in a solid waste management facility or at a compost operation. Apothca will create and maintain a written record of the date, the type and quantity disposed of, the manner of disposal, and the persons present during the disposal, with their signatures. Apothca will keep disposal records for at least two (2) years.

Waste -- whether solid or marijuana-related -- from Apothca's proposed dispensary will not overload any municipal system and the health, safety and general welfare of Arlington residents will not be negatively impacted.

#### **E. Plan to Limit Dispensing to a 30-Day Supply**

In compliance with CCC Regulations, Apothca will implement BioTrack's sophisticated seed-to-sale inventory tracking system to ensure the safe and secure production, movement, storage, and sale of medical marijuana and marijuana products and track inventory in real time. This system will fully support the recording and tracking of the daily beginning inventory, daily ending inventory, acquisitions, harvests, sales and disbursements. Each product will have a unique transaction record that shows the details of the sale or acquisition, the addition or removal of the product from inventory, the date/time of the transaction, and the dispensary agent who performed the transaction. All sales transactions will be tied to the individual patient's record, and records will be retained indefinitely. Apothca will make the inventory tracking system records available to the Board of Health for inspection upon request.

Unless a registered patient's certifying physician certifies the patient to receive more or less than a 60-day supply of marijuana, the CCC Regulations limit the amount of marijuana that can be dispensed to a registered patient to a 60-day supply in each 60-day period. The CCC has defined a "60-day supply" of marijuana to mean ten (10) ounces, or the equivalent in other forms such as edible MIPs. To determine what the equivalent amount of a 60-day supply is for marijuana concentrate (oil) and resin (hash) CCC has determined that marijuana plant material will, on average, yield 15% of its weight in concentrate or resin.

Apothca is already required by the CCC to use its inventory tracking system to track sales and ensure that no patient receives more than a 60-day supply of medical marijuana or marijuana products every 60 days. For the Arlington dispensary, Apothca has configured the inventory tracking system in a manner that tracks patients' visits to the Arlington dispensary and ensures that no patient is able to purchase more than a 30-day supply (i.e. 5 ounces or the equivalent in other forms) in each 30-day period from Apothca's dispensary in Arlington. When a patient or personal caregiver enters the secure access vestibule of Apothca's dispensary and presents the required CCC Registration and government-issued identification cards, Apothca's dispensary agent will check the inventory tracking system to confirm whether the patient has purchased a 30-day supply in the previous 30 days. If the inventory tracking system reveals that a patient or caregiver has purchased a 30-day supply from the Arlington dispensary in the previous 30-days, Apothca's dispensary agent will respectfully inform the patient or caregiver that he or she is ineligible to purchase medical marijuana or marijuana products at that time and, in compliance with CCC Regulations, will prevent the patient or caregiver from remaining on the premises.

Apothca will implement policies and procedures, as well as regular training sessions, to ensure that all dispensary agents are knowledgeable and compliant with the 30-day supply limit.

**F. Copy or Proof of Surety Bond**

Please see Exhibit K – Escrow Agreement

**G. Hazardous Waste Remediation Contractor Cost Estimate for Facility Clean-Up**

Please see Exhibit L – Hazardous Waste

**H. Food Establishment Plan Review Application**

Please see Exhibit M – Food Establishment Application

**I. Proposed Plan for Inventory**

Please see the previous attachments:

1. Exhibit C – Inventory Procedures
2. Exhibit F – Plan for Separating Recreational from Medical Operations

**J. Plan for Transporting Marijuana**

Please see Exhibit N – Transportation of Marijuana

**K. Plan for Maintaining Records**

Please see Exhibit O – Maintaining of Financial Records

**L. Supplemental Information**

Based on Apothca's previous Board of Health Operating Permit process, the Board of Health requested certain additional information not included in the Operating Permit application. For the sake of expediency, the most up to date information that was previous requested is included as:

1. Exhibit P – Apothca Patient Handbook
2. Exhibit Q – Apothca Agent Handbook
3. Exhibit R – Providing Medical Advice to Patients
4. Exhibit S – Apothca Consumer Education Materials

## **Dispensing Procedures**

In accordance with 935 CMR 500.140(3), access to Apothca, Inc.'s ("APOTHCA") facility is limited to individuals 21 years of age and older. If the individual is younger than 21 years old but 18 years of age or older, he or she will not be admitted unless he or she is a registered qualifying patient or caregiver and produces an active Program ID Card issued by the CCC. If the individual is younger than 18 years old, he or she will not be allowed on the premises unless he or she is a registered qualifying patient and produces an active medical registration card and he or she is accompanied by a personal caregiver with an active Program ID Card. In addition to the Program ID Card, registered qualifying patients under the age of 21 and personal caregivers must also produce proof of identification. Upon a customer's entry into APOTHCA premises, an APOTHCA agent will immediately inspect the customer's proof of identification and determine the individual's age. An individual will not be admitted to the premises unless the retailer has verified that the individual is 21 years of age or older by an individual's proof of identification. At the door, a designated staff member will collect valid customer identification and confirm a minimum age of 21 years old, failing the confirmation of 21 years of age or older, an individual will be prohibited from entering the premises.

Once inside the retail area, customers will enter a queue to obtain individualized service where they may select any of the products available to them with the help of a APOTHCA agent. Point of sale stations for adult-use and medical sales will be physically separated as described below. Upon checkout, customers will be required to confirm their identities and age a second time. Check out also activates the seed-to-sale tracking system that is compliant with 935 CMR 500.105(8).

Per M.G.L. c. 94G § 7, sales are limited to one ounce of marijuana flower or five grams of marijuana concentrate per transaction. All required taxes will be collected at the point of sale.

Once a customer has selected a product for purchase, a APOTHCA agent will collect the chosen items from the designated product storage area. A APOTHCA agent will then scan each product barcode, including pre-packaged flower, into the point of sale system. A APOTHCA agent will affix a label, as generated by the point of sale system, indicating the date, strain name, cannabinoid profile, and all applicable warnings detailed in 935 CMR 500.105.

In the event a APOTHCA agent determines an individual would place themselves or the public at risk, the agent will refuse to sell any marijuana products to the consumer.

APOTHCA will use the point of sale security system to accept payment and complete sales. The system can back up and securely cache each sale for inspection.

Pursuant to 935 CMR 500.140(6)(d), APOTHCA will conduct a monthly analysis of its equipment and sales data to determine that no software has been installed that could be utilized to manipulate or alter sales data and that no other methodology has been employed to manipulate or alter sales data. If any such malware is found, APOTHCA will immediately report the occurrence to the Commission and assist in any subsequent investigation into the matter. APOTHCA will maintain a record of the monthly analyses and will make it available for inspection by the Commission upon request. Further, APOTHCA will cooperate with the Commission and the Department of Revenue to ensure compliance with any and all taxes in accordance with the laws of the Commonwealth and 935 CMR 500.000. APOTHCA will maintain and provide to the Commission on a biannual basis accurate sales data collected during the six months immediately preceding this application for the purpose of ensuring an adequate supply of marijuana and marijuana products under 935 CMR 500.140(10).

APOTHCA will utilize a temporary or semi-permanent physical barrier to provide a physical separation between the medical and adult-use sales areas. APOTHCA will only utilize a barrier that, in the opinion of the Commission, provides adequate separation of the sales areas of marijuana product for medical use and adult use. APOTHCA will provide for separate queues for sales of marijuana products for medical use from marijuana products for adult use within the sales area; provided, however, that the holder of a Program ID Card may use either line and will not be limited only to the medical use queue. APOTHCA retail locations will provide an area that is separate from the sales floor to allow for confidential patient consultation.

APOTHCA will utilize separate accounting practices at the point of sale to track marijuana product sales and non-marijuana sales.

APOTHCA places a premium on cleanliness, hygiene, and proper product storage to achieve and maintain successful operation of the business. In addition to regularly sanitizing surfaces with products kept separately and away from marijuana products, APOTHCA staff will ensure personal hygiene including washing hands throughout the day and before handling or dispensing any marijuana products. All products available for sale and consumption will be tested for impurities and subjected to APOTHCA's policies governing quality control per 935 CMR 500.105.

In compliance with 935 CMR 500.140(8), APOTHCA will provide educational materials designed to help consumers make informed marijuana product purchases. APOTHCA's educational materials will describe the varying types of products available at APOTHCA, as well as the types and methods of consumption. The materials will offer education on cannabis titration: the method of using the smallest amount of a given marijuana product necessary to bring about the desired effect. Additional topics discussed in consumer materials will include

potency; proper dosing; the delayed effects of edible marijuana products; and substance abuse and related treatment programs, marijuana tolerance, dependence, and withdrawal.



## **Inventory Procedures**

Apothca, Inc. (“APOTHCA”) will maintain real-time inventory in compliance with 935 CMR 500.105(8), including maintaining inventory of marijuana plants; marijuana plant seeds and clones in any phase of development such as propagation, vegetation, and flowering; marijuana ready for dispensing; all marijuana products; and all damaged, defective, expired, or contaminated marijuana and marijuana products awaiting disposal. All marijuana seeds, clones, plants, and marijuana products will be tagged and tracked within APOTHCA’s seed-to-sale tracking system.

APOTHCA will utilize a real-time seed-to-sale tracking system, BiotrackTHC, which will provide the electronic tracking of individual marijuana plants, including during cultivation, growth, harvest and preparation of marijuana products (as applicable), and final sale. APOTHCA’s tracking system will utilize unique batch identification numbers to accurately track inventory.

APOTHCA will:

- Establish inventory controls and procedures for the conduct of inventory reviews, and comprehensive inventories of marijuana products in the process of cultivation, and finished, stored marijuana;
- Conduct a monthly inventory of marijuana in the process of cultivation and finished, stored marijuana;
- Conduct a comprehensive annual inventory at least once every year after the date of the previous comprehensive inventory; and
- Promptly transcribe inventories if taken by use of an oral recording device.

The record of each inventory will include, at a minimum, the date of the inventory, a summary of the inventory findings, and the names, signatures, and titles of the individuals who conducted the inventory. All inventory records will be kept in accordance with APOTHCA’s record keeping procedures. APOTHCA’s agent’s will document and APOTHCA will report any unusual discrepancy in weight or inventory to the Commission and law enforcement authorities not more than 24 hours after the discovery of such a discrepancy.

APOTHCA will only sell and market inventory that is capable of being tested by Independent Testing Laboratories, except as allowed under 935 CMR 500.000.

APOTHCA will create virtual separation of its medical and adult-use products. At the point of sale, APOTHCA will designate whether marijuana products are intended for sale for adult use or medical use through its seed-to-sale tracking system and using tracking methodology approved by the Commission under 935 CMR 500.

APOTHCA will comply with all provisions of 935 CMR 500.140(10). APOTHCA will ensure access to a sufficient quantity and variety of marijuana products, including marijuana, for patients registered under 105 CMR 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana. During APOTHCA's first six months of operations, APOTHCA will reserve 35% of the amount of its Registered Marijuana Dispensary inventory to ensure sufficient patient supply. After six months of operations, APOTHCA will determine, based on recorded sales data of the previous six months, a sufficient amount of inventory to reserve for patient supply. APOTHCA will reevaluate such reserve inventory on an ongoing basis to ensure sufficient patient supply.

APOTHCA's reserved patient supply will, unless unreasonably impracticable, reflect the actual types and strains of marijuana products documented during the previous six months. In the event that a substitution must be made, the substitution will reflect the type and strain no longer available as closely as possible.

On a quarterly basis, APOTHCA will submit to the Commission an inventory plan to reserve a sufficient quantity and variety of marijuana products for registered patients, based on reasonably anticipated patient needs as documented by sales records over the preceding six months. On each occasion that the supply of any product within the reserved patient supply is exhausted and a reasonable substitution cannot be made, APOTHCA will submit a report to the Commission.

Marijuana products reserved by APOTHCA for patient supply will be either maintained on site at the retail facility or easily accessible at another location operated by APOTHCA and transferable to the retail facility location within 48 hours of notification that the on-site supply has been exhausted. APOTHCA will perform audits of patient supply on a weekly basis and retain those records for a period of six months.

#### Waste Disposal

Any inventory that becomes outdated, spoiled, damaged, deteriorated, mislabeled, or contaminated will be disposed of in accordance with the provisions of 935 CMR 500.105(12), and any such waste will be stored, secured, and managed in accordance with applicable state and local statutes, ordinances, and regulations. Specifically, liquid waste containing marijuana will be disposed of in compliance with all applicable state and federal requirements, including but not limited to, for discharge of pollutants into surface water or groundwater (Massachusetts Clean Waters Act, M.G.L. c. 21 §§ 26-53; 314 CMR 3.00: Surface Water Discharge Permit Program; 314 CMR 5.00: Groundwater Discharge Program; 314 CMR 12.00: Operation Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Dischargers; the Federal Clean Water Act, 33 U.S.C. 1251 et seq., the National Pollutant Discharge Elimination System Permit Regulations at 40 CFR Part 122, 314 CMR 7.00: Sewer System Extension and

Connection Permit Program), or stored pending disposal in an industrial wastewater holding tank in accordance with 314 CMR 18.00: Industrial Wastewater Holding Tanks and Containers.

Organic material, recyclable material, and solid waste generated at a marijuana establishment will be redirected or disposed of as follows:

1. Organic material and recyclable material will be redirected from disposal in accordance with the waste disposal bans described at 310 CMR 19.017: Waste Bans.
2. To the greatest extent feasible:
  - a. Any recyclable material as defined in 310 CMR 16.02: *Definitions* will be recycled in a manner approved by the Commission; and
  - b. Any remaining marijuana waste will be ground and mixed with other organic material as defined in 310 CMR 16.02: *Definitions* such that the resulting mixture renders the marijuana unusable for its original purpose. Once such marijuana waste has been rendered unusable, the mixture may be composted or digested at an aerobic or anaerobic digester at an operation that is in compliance with the requirements of 310 CMR 16.00: Site Assignment Regulations for Solid Waste Facilities.
3. Solid waste containing cannabis waste will be ground up and mixed with solid wastes such that the resulting mixture renders the cannabis unusable for its original purposes. Once such cannabis waste has been rendered unusable, it will be brought to a solid waste transfer facility or a solid waste disposal facility (e.g., landfill or incinerator) that holds a valid permit issued by the Department of Environmental Protection or by the appropriate state agency in the state in which the facility is located.

No fewer than two APOTHCA agents will witness and document how the marijuana waste is disposed or otherwise handled (recycled, composted, etc.) in accordance with 935 CMR 500.105(12). When marijuana products or waste is disposed or handled, APOTHCA will create and maintain a written or electronic record of the date, the type and quantity disposed or handled, the manner of disposal or other handling, the location of disposal or other handling, and the names of the two APOTHCA agents will be present during the disposal or other handling, with their signatures. APOTHCA will keep these records for at least three years. APOTHCA understands that this period will automatically be extended for the duration of any enforcement action and may be extended by an order of the Commission.

## **Personnel Policies Including Background Checks**

### **Overview**

Apothca, Inc. (“APOTHCA”) will maintain personnel records as a separate category of records due to the sensitivity and importance of information concerning agents, including registration status and background check records. APOTHCA will keep, at a minimum, the following personnel records:

- Job descriptions for each employee and volunteer position, as well as organizational charts consistent with the job descriptions;
- A personnel record for each marijuana establishment agent;
- A staffing plan that will demonstrate accessible business hours and safe conditions;
- Personnel policies and procedures; and
- All background check reports obtained in accordance with 935 CMR 500.030.

### **Job Descriptions**

**Director of Security:** Under the supervision of the Chief Executive Officer, the Director of Security is responsible for the development and overall management of the Security Policies and Procedures for APOTHCA, while implementing, administering, and revising the policies as needed. In addition, the Director of Security will perform the following duties:

- Provide general training to APOTHCA agents during new hire orientation or re-current trainings throughout the year;
- Provide training specific for Security Agents prior to the Security Agent commencing job functions;
- Review and approve incident reports and other reports written by Security Agents prior to submitting to the executive management team—follow up with security agent if needed;
- Maintain lists of agents authorized to access designated areas of the APOTHCA facility, including cash and product storage vaults, the surveillance and network equipment room, and other highly sensitive areas of the APOTHCA facility;
- Lead a working group comprised of the Chief Executive Officer, Chief Operating Officer, and any other designated advisors to ensure the current policies and procedures are properly implemented, integrated, effective, and relevant to ensure the safety of APOTHCA agents and assets;
- Ensure that all required background checks have been completed and documented prior to an agent performing job functions; ensure agent is granted appropriate level of access to the facility necessary to complete his/her job functions;
- Maintain all security-related records, incident reports and other reports written by security agents;
- Evaluate and determine the number of Security Agents assigned to each shift and proper shift change times; and
- Maintain frequent contact with local law enforcement authorities.

**Security Agent:** Security Agents monitor APOTHCA’s security systems including alarms, video surveillance, and motion detectors. Security Agents are responsible for ensuring that only authorized individuals are permitted access to the APOTHCA facility by verifying appropriate

ID cards and other forms of identification. In addition, Security Agents perform the following duties and other duties upon request:

- Investigate, communicate, and provide leadership in the event of an emergency such as an intrusion, fire, or other threat that jeopardizes customers, authorized visitors, and APOTHCA agents;
- Respond and investigate security situations and alarm calls; clearly document the incident and details surrounding the incident in a written report for the Director of Security;
- Oversee the entrance to the facility and verify credentials of each person seeking access to the APOTHCA facility;
- Answer routine inquiries;
- Log entries, and maintain visitor log;
- Escort authorized visitors in restricted access areas; and
- Escort APOTHCA agents from the facility during non-business hours and perform security checks at designated intervals.

Inventory Manager: The Inventory Manager is responsible for inventory on a day-to-day basis as well as the weekly and monthly inventory counts and waste disposal requirements. The inventory manager will perform the comprehensive annual inventory in conjunction with the executive management team. Additional duties include, but are not limited to:

- Implementing inventory controls to track and account for all dispensary inventory;
- Implementing procedures and notification policies for proper disposal;
- Maintaining records, including operating procedures, inventory records, audit records, storage and transfer records;
- Maintaining documents with each day's beginning, acquisitions, sales, disposal, and ending inventory; and
- Proper storing, labeling, tracking, and reporting of inventory.

Inventory Associate: Inventory Associates support the Inventory Manager during day-to-day operations. Responsibilities include, but are not limited to:

- Maintaining records, including operating procedures, inventory records, audit records, storage and transfer records;
- Maintaining documents with each day's beginning, acquisitions, sales, disposal and ending inventory;
- Ensuring products are properly stored, labeled, and recorded in the [POS Software] system;
- Ensuring waste is properly stored; and
- Coordinating the waste disposal schedule and ensuring APOTHCA's policies and procedures for waste disposal are adhered to.

Human Resources Manager: The Human Resources Manager at APOTHCA will support the executive management team on a day-to-day basis to effectively implement all personnel policies and procedures for APOTHCA, including hiring processes. The Human Resources Manager will:

- Oversee hiring and release of APOTHCA agents;
- Review and revise APOTHCA personnel policies and procedures in consultation with the executive management team and department managers;

- Develop training schedules and policies for APOTHCA agents under the supervision of the executive management team and department managers;
- Handle any and all agent discipline as necessary;
- Ensure compliance with any and all workplace policy laws and requirements; and
- Be responsible for such additional human resources tasks as determined by the executive management team.

Director of Cultivation: The Director of Cultivation is responsible for all daily operations and maintenance of the Cultivation Facility. The Director of Cultivation will:

- Be responsible for implementing policies with the Cultivation Facility;
- Coordinate space assignments;
- Receive and review work requests;
- Coordinate repairs and maintenance;
- Supervise and train agents in an ongoing capacity;
- Provide mandatory training for new agents;
- Maintain a record of space allocations;
- Work with Cultivation Technicians to promote successful operations in the Cultivation Facility;
- Program and monitor the Direct Digital Control (DDC).
- Maintain a database of environmental controls and conditions;
- Adjust DDC for optimum efficiency of operation;
- Provide pesticide recommendations and ensure IPM Program is sufficient.

Cultivation Manager: The Cultivation Manager supervises and participates in all aspects of daily Cultivation Facility tasks. The Cultivation Manager operates under the supervision of the Director of Cultivation and will:

- Instruct Cultivation Technicians on operation procedures;
- Train and supervise Cultivation Technicians;
- Assist with the activities performed by all Cultivation Technicians;
- Instruct agents or apply pesticides with guidance from the Director of Cultivation;
- Perform routine maintenance;
- Maintain inventory of all cultivation supplies and order such supplies;
- Report daily to Director of Cultivation; and
- Coordinate with relevant staff regarding harvest schedules.

Cultivation Technician: Cultivation Technicians are responsible for all daily tasks in their assigned areas within the Cultivation Facility. Cultivation Technicians report directly to Cultivation Manager and/or Director of Cultivation. Responsibilities include, but are not limited to:

- Irrigation;
- Pruning;
- Pesticide application;
- Potting/Re-potting;
- Propagation;
- Light construction; and
- Janitorial duties (i.e. cleaning, disinfecting, sterilizing).

Production Manager: The Production Manager is responsible for all post-harvest handling of marijuana. The Production Manager coordinates directly with the Cultivation Manager regarding harvest schedules. Production Manager reports directly to the Director of Cultivation and is responsible for the following:

- Transitioning harvested plant material from cultivation rooms to the Trim Room where marijuana is trimmed via machine and manually;
- Overseeing Trim Technicians and delegates daily tasks to production agents;
- Ensuring quality control of finished marijuana flowers;
- Monitoring the status of the Dry Room and of marijuana flowers that are in the process of drying;
- Entering wet and dry weights of all product including flowers and trim into BioTrackTHC;
- Working with Cultivation Technicians to ensure prompt transfer of marijuana trim to relevant room within the Cultivation Facility;
- Overseeing bulk packaging and storing in dedicated vault; and
- Relaying information to the Inventory Manager for sales purposes.

Trim Technicians: Trim Technicians are responsible for post-harvest trimming of marijuana plants, both mechanical and manual. Trim Technicians report directly to the Production Manager and are responsible for:

- Receiving daily tasks from the Production Manager;
- Assisting in the harvest of marijuana;
- Trimming marijuana plants;
- Maintaining a sterile environment in the Trim Room; and
- Cleaning and maintaining scissors and trim machines.

Production Manager: Responsible for production of all concentrates and marijuana products created by APOTHCA. This includes, but is not limited to:

- Managing inventory and par-levels of all concentrate and marijuana products, including integration into BioTrackTHC;
- Creating raw Super Critical CO<sub>2</sub> (SCCO<sub>2</sub>) concentrate;
- Creating distilled, high-purity concentrate for use in marijuana products and vaporizer cartridges;
- Creating all marijuana products;
- Organizing extraction schedule based on availability of cultivated material;
- Maintaining a rigid cleaning schedule that all lab agents must adhere to;
- Ensuring safety pursuant to established safety protocols;
- Coordinating facility repairs and maintenance;
- Supervising and training agents in an ongoing manner; and
- Providing mandatory training for new agents.

Lab/Production Assistant: Responsible for supporting the Production Manager during day-to-day operations. This includes, but is not limited to:

- Drying and grinding cultivated material in preparation for SCCO<sub>2</sub> extraction;

- Unpacking and cleaning the SCCO2 extractor;
- Cleaning and sanitization of all lab glassware;
- Cleaning and sanitization of all kitchen cookware and utensils;
- Cleaning and sanitization of the distillation still;
- Routine scheduled maintenance of all equipment; and
- Assisting with packaging of all concentrate and marijuana products to be sold.

Retail Manager: Responsible for overseeing all Member Services Agents and managing day-to-day operations of the retail facility. This includes, but is not limited to:

- Implementing inventory tracking;
- Training retail staff;
- Ensuring customer satisfaction through feedback tools;
- Reporting all incidents and complaints to the executive team; and
- Working with bookkeeping to ensure precise data flow.

Member Services Agent: Member Services Agents ensure that each customer is treated with respect while at a APOTHCA facility and that each customer receives the appropriate amount of individualized attention in order to address his/her specific needs and questions. Member Services Agent responsibilities include, but are not limited to:

- Maintaining a clean, safe, healthy, and productive environment ensuring that customers have a positive experience at a APOTHCA facility;
- Answering customer questions regarding products including, but not limited to, flowers, concentrates, tinctures, and edibles;
- Being knowledgeable of strains and various types of products offered by APOTHCA;
- Properly setting up product displays pursuant to APOTHCA policies and procedures;
- Executing and enforcing compliance with Commission regulations and APOTHCA policies and procedures;
- Understanding sales transactions using BioTrackTHC;
- Understanding individual customer goals;
- Reconciling cash from sales transactions, sales reports, and other forms of task management daily; and
- Participating in ongoing education and professional development as required.

### Agent Personnel Records

Personnel records for each agent will be maintained for at least twelve (12) months after termination of the agent's affiliation with APOTHCA and will include, at a minimum, the following:

- All materials submitted to the Commission pursuant to 935 CMR 500.030(2);
- Documentation of verification of references;
- The job description or employment contract that includes duties, authority, responsibilities, qualifications, and supervision;
- Documentation of all required training, including training regarding privacy and confidentiality requirements, and the signed statement of the individual indicating the date, time, and place he or she received said training and the topics discussed, including the name and title of presenters;



- Documentation of periodic performance evaluations;
- A record of any disciplinary action taken;
- Notice of completed responsible vendor and eight-hour related duty training;
- Results of initial background investigation, including CORI reports; and
- Documentation of all security related events (including violations) and the results of any investigations and description of remedial actions, restrictions, or additional training required as a result of an incident.

Personnel records will be kept in a secure location to maintain confidentiality and be only accessible to the agent's manager or members of the executive management team.

### Staffing Plan and Business Hours

#### Hiring and Recruitment

APOTHCA's Human Resource Manager will engage the executive management team and management staff on a regular basis to determine if vacancies are anticipated and whether specific positions need to be created in response to company needs. APOTHCA's personnel practices will comply with the following, which will apply to all types of employment situations, including, but not limited to, hiring, terminations, promotions, training, wages and benefits:

- State anti-discrimination statutes and Equal Employment Opportunity Commission (EEOC) requirements;
- APOTHCA's Diversity Plan and Community Initiatives;
- APOTHCA's Plan to Positively Impact Areas of Disproportionate Impact;
- Background Checks and References;
- Mandatory reporting of criminal convictions (and termination if necessary);
- State and Federal Family Leave Act;
- Workplace Safety Laws;
- Workers' Compensation;
- State and Federal Minimum Wage Requirements;
- Non-Disclosure and Non-Complete Agreements; and
- Any other applicable local, state, or federal employment laws, rules, or regulations.

#### Standards of Conduct

APOTHCA is committed to maintaining an environment conducive to the health and well-being of customers and employees. It is APOTHCA's mission to provide a professional workplace free from harassment and discrimination for employees. APOTHCA will not tolerate harassment or discrimination on the basis of sex, race, color, national origin, age, religion, disability, sexual orientation, gender identity, gender expression, or any other trait or characteristic protected by any applicable federal, state, or local law or ordinance. Harassment or discrimination on the basis of any protected trait or characteristic is contrary to APOTHCA's values and is a violation of the Company Code of Conduct. Harassment is a form of discrimination. There is a broad range of behavior that could constitute harassment. In general, harassment is any verbal or physical conduct that:

- Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;

- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Adversely affects an individual's employment opportunities.

Employees are expected to maintain the highest degree of professional behavior. Any harassment or discrimination by employees is strictly prohibited. Further, harassing or discriminatory behavior of non-employees directed at APOTHCA employees or customers is also condemned and will be promptly addressed.

#### *Violence and Weapons in the Workplace*

Any and all acts of violence in the workplace will result in immediate dismissal of the employee, customer, or parties involved. Law enforcement will be contacted immediately in the case of a violent event. Weapons are not permitted to be brought on site by employees, customers, or other parties. Any employee found carrying a weapon on the premises of a APOTHCA facility will be immediately terminated, and any customer found carrying a weapon on the premises will be asked to leave and/or the police will be notified accordingly.

#### *At-Will Employment*

In the state of Massachusetts, employment is assumed to be at-will unless otherwise stated. At-will employment implies that employer and employee alike may terminate the work relationship at any given moment and for any legitimate purpose. Wrongful termination may be more difficult to prove in an at-will arrangement because of the freedom that each party has to end the employment. However, there are still many instances wherein a termination or discharge can be called wrongful, even in an at-will employment.

#### *Workplace Attire*

The required attire for registered agents at APOTHCA varies based upon required duties. New hire training and the onboarding process will go over the workplace attire specific to each role and the department manager will be responsible for ensuring compliance with all requirements is met.

### Overview of Personnel Policies and Procedures

#### *Standard Employment Practices*

APOTHCA values the contributions of its management and staff positions. APOTHCA will strive to be the industry leader in workplace satisfaction by offering highly competitive wage and benefits packages and developing a culture that values a proper work-life balance, boasts a transparent and accessible executive management team, and fosters a work ethic that focuses on the mission of the company and spirit of the adult-use marijuana program in Massachusetts.

#### *Advancement*

The organization will be structured in a relatively flat manner, with promotional opportunities within each department. Participation in training and bi-annual performance evaluations will be critical for any promotions or pay increases.

#### *Written Policies*

APOTHCA's written policies will address, inter alia, the Family and Medical Leave Act (FMLA), the Consolidated Omnibus Budget Reconciliation Act (COBRA), equal employment opportunity, discrimination, harassment, the Employee Retirement Income Security Act (ERISA), disabilities, workers' compensation, maintenance of personnel files, privacy, email policy, 935 CMR 500.000 et seq., holidays, hours, sick time, personal time, overtime, performance reviews, disciplinary procedures, working hours, pay rates, overtime, bonuses, veteran preferences, drug testing, personnel policies, military leaves of absence, bereavement leave, jury duty, CORI checks, smoking, HIPAA, patient confidentiality, and compliance hotline.

### *Investigations*

APOTHCA will set forth policies and procedures to investigate any complaints or concerns identified or raised internally or externally in order to stay in compliance with 935 CMR 500.000 et seq.

### *Designated Outside Counsel*

APOTHCA may retain counsel specializing in employment law to assist the Human Resources Manager with any issues and questions.

### Job Status

#### *Job Classifications*

Positions at APOTHCA are categorized by rank and by department. The executive management team oversees the overall success of mission of the company; the CEO is responsible for implementation of the mission and the executive management team as a whole is responsible for ensuring that all departments are properly executing their functions and responsibilities. Job classification is comprised of three rank tiers: Executive Management, Management, and Non-Management Employee.

### *Work Schedules*

Work schedules will be either part-time, full-time, or salaried, depending of the specific position. Schedules will be set according to the needs of each department as determined by the department manager and the executive manager they report to. It is the department manager's responsibility to develop and implement a work schedule that provides necessary duty and personnel coverage but does not exceed what is required for full implementation of operations. It is also the department manager's responsibility to ensure that adequate coverage occurs on a daily basis and does not lead to unnecessary utilization of overtime coverage.

### *Mandatory Meetings and Community Service Days*

There will be a mandatory, reoccurring company-wide meeting on a monthly basis. All personnel will be notified if their attendance is required. Certain personnel, such as housekeeping staff, may not be required to attend. Each department will have a mandatory weekly meeting scheduled by the department manager. The department managers will provide agendas for all meetings and will report to their executive manager.

### *Breaks*

Daily breaks, including lunch breaks, will comply with the laws of the Commonwealth.

### *Performance Reviews*

Performance reviews will be conducted by executive or department managers. Reviews will be conducted at three-month intervals for new employees during the first year and at six-month intervals thereafter. A written synopsis must be provided to, and signed by, the employee under review. Reviews must be retained in each employee's employment file. Performance reviews must take into account positive performance factors and areas requiring improvement. Scoring systems may be utilized to help reflect an employee's overall performance.

### *Leave Policies*

APOTHCA leave policies will comport with all state and federal statutes.

All full-time employees will receive two 40-hour weeks of paid vacation per annum. Additional leave must be requested at least two weeks in advance and approved by the employee's department manager. APOTHCA will determine which holidays will be observed and which departments will not be required to work. APOTHCA will offer paid maternity leave. Additional leave will not be paid and must be approved by the department manager.

APOTHCA anticipates observing the following holidays:

- New Year's Day;
- Presidents' Day;
- Memorial Day;
- Independence Day;
- Labor Day;
- Thanksgiving; and
- Christmas Day.

### *Disciplinary Policies*

#### *Purpose*

APOTHCA's progressive discipline policies and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. The steps outlined below of APOTHCA's progressive discipline policies and procedures have been designed consistent with APOTHCA's organizational values, best practices, and state and federal employment laws.

APOTHCA reserves the right to combine or skip steps depending upon the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling, and/or training; the employee's work record; and the impact the employee's performance, conduct and/or attendance issues have on APOTHCA as an organization.

#### *Procedure*

##### *Step 1: Counseling and Verbal Warning*

Step 1 creates an opportunity for the immediate supervisor to schedule a meeting with an employee to bring attention to the existing performance, conduct, or attendance issue. The supervisor should discuss with the employee the nature of the problem and/or violation of company policies and procedures. The supervisor is expected to clearly outline expectations and steps the employee must take to improve performance or resolve the problem.

Within five business days, the supervisor will prepare written documentation of a Step 1 meeting. The employee will be asked to sign the written documentation. The employee's signature is needed to demonstrate the employee's understanding of the issues and the corrective action needed.

### Step 2: Written Warning

While it is hoped that the performance, conduct, or attendance issues that were identified in Step 1 have been corrected, APOTHCA recognizes that this may not always be the case. A written warning involves a more formal documentation of the performance, conduct, or attendance issues and consequences.

During Step 2, the immediate supervisor and a department manager or director will meet with the employee and review any additional incidents or information about the performance, conduct, or attendance issues as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of his or her continued failure to meet performance, conduct and/or attendance expectations. A formal performance improvement plan (PIP) requiring the employee's immediate and sustained corrective action will be issued within five business days of a Step 2 meeting. A warning outlining that the employee may be subject to additional discipline up to and including termination if immediate and sustained corrective action is not taken may also be included in the PIP.

### Step 3: Suspension and Final Written Warning

There may be performance, conduct, or safety incidents so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee pending the results of an investigation.

Suspensions that are recommended as part of the normal progression of the progressive discipline policies and procedures are subject to approval from a next-level manager and the Human Resources Manager.

Depending upon the seriousness of the infraction, an employee may be suspended without pay in full-day increments consistent with federal, state and local wage-and-hour employment laws. Nonexempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. The Human Resources Manager

will provide guidance so that discipline is administered without jeopardizing the FLSA exemption status.

Pay may be restored to an employee if an investigation of the incident or infraction absolves the employee.

#### *Step 4: Recommendation for Termination of Employment*

The last and most serious step in the progressive discipline procedures is a recommendation to terminate employment. Generally, APOTHCA will try to utilize the progressive steps of this policy by first providing warnings, a final written warning, and/or suspension from the workplace before proceeding to a recommendation to terminate employment. However, APOTHCA reserves the right to combine and skip steps depending upon the circumstances of each situation and the nature of the offense, and an employee may be terminated without prior notice or disciplinary action.

Management's recommendation to terminate employment must be approved by the Human Resources Manager and department manager or designee. Final approval may be required from the CEO or designee.

Nothing in this policy provides any contractual rights regarding employee discipline or counseling nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between APOTHCA and its employees.

#### *Appeal Process*

Any employee subject to a disciplinary action will have the opportunity to present information on their own behalf that may challenge information management relied upon in making the decision to issue the disciplinary action. The purpose of this appeal process is to provide insight into extenuating circumstances that may have contributed to the employee's performance, conduct and/or attendance issues, while allowing for an equitable solution.

If an employee does not present information on their own behalf during a step meeting, they will have five business days after the meeting to present such information to the supervisor who conducted the meeting.

#### *Performance and Conduct Issues Not Subject to Progressive Discipline*

Behavior that is illegal is not subject to progressive discipline and may be reported to local law enforcement. Theft, intoxication at work, fighting and other acts of violence are also not subject to progressive discipline and may be grounds for immediate termination.

#### *Documentation*

Any employee subject to progressive discipline will be provided with copies of all relevant documentation related to the progressive discipline process, including all PIPs. The employee will be asked to sign copies of this documentation attesting to their receipt and understanding of the corrective action outlined in these documents. Copies of these documents will be placed in the employee's official personnel file.

### Separation of Employment

Separation of employment within an organization can occur for several different reasons. Employment may end as a result of resignation, retirement, release (end of season or assignment), reduction in workforce, or termination. When an employee separates from APOTHCA, the employee's supervisor must contact the Human Resources Manager to schedule an exit interview, which will typically take place on the employee's last workday.

### Types of Separation

#### 1. Resignation

Resignation is a voluntary act initiated by the employee to end employment with APOTHCA. The employee must provide a minimum of two (2) weeks' notice prior to resignation. If an employee does not provide advance notice or fails to actually work the remaining two weeks, the employee will be ineligible for rehire. The resignation date must not fall on the day after a holiday.

#### 2. Retirement

An employee who wishes to retire is required to notify their department director and the Human Resources Manager in writing at least one (1) month before planned retirement date. It is the practice of APOTHCA to give special recognition to employees at the time of their retirement.

#### 3. Job Abandonment

An employee who fails to report to work or contact their supervisor for two (2) consecutive workdays will be considered to have abandoned their job without notice effective at the end of the employee's normal shift on the second day. The department manager will notify the Human Resources Manager at the expiration of the second workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible for rehire.

#### 4. Termination

Employees of APOTHCA are employed on an at-will basis, and the company retains the right to terminate an employee at any time.

#### 5. Reduction in Workforce

An employee may be laid off due to changes in duties, organizational changes, lack of funds, or lack of work. Employees who are laid off may not appeal the layoff decision through the appeal process.

#### 6. Release

Release is the end of temporary or seasonal employment. The Human Resources Manager, in consultation with the department manager, will inform the temporary or seasonal worker of their release according to the terms of the individual's temporary employment.

### Exit Interview

The separating employee will contact the HR department as soon as notice is given to schedule an exit interview. The interview will be held on the employee's last day of work or another day, as mutually agreed upon.

#### *Return of Property*

The separating employee must return all company property at the time of separation, including but not limited to, uniforms, cell phones, keys, computers, and identification cards. Failure to return certain items may result in deductions from the employee's final paycheck. All separating employees will be required to sign a Wage Deduction Authorization Agreement, allowing APOTHCA to deduct the costs of such items from their final paycheck.

#### *Termination of Benefits*

An employee separating from APOTHCA is eligible to receive benefits as long as the appropriate procedures are followed as stated above. Two weeks' notice must be given, and the employee must work the full two work weeks. Accrued vacation leave will be paid in the last paycheck. Accrued sick leave will be paid in the last paycheck.

#### *Health Insurance*

Health insurance terminates on the last day of the month of employment, unless employee requests immediate termination of benefits. Information about the Consolidated Omnibus Budget Reconciliation Act (COBRA) continued health coverage will be provided. Employees will be required to pay their share of the dependent health and dental premiums through the end of the month.

#### *Rehire*

Former employees who left in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be submitted to the Human Resources Manager, and the applicant must meet all minimum qualifications and requirements of the position, including any qualifying exam, when required.

Department managers must obtain approval from the Human Resources Manager or designee prior to rehiring a former employee. Rehired employees begin benefits just as any other new employee. Previous tenure will not be considered in calculating longevity, leave accruals, or any other benefits.

An applicant or employee who is terminated for violating policy or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.

#### Compensation

As an employer, APOTHCA believes that it is in the best interest of both the organization and APOTHCA's employees to fairly compensate its workforce for the value of the work provided. It is APOTHCA's intention to use a compensation system that will determine the current market value of a position based on the skills, knowledge, and behaviors required of a fully-competent incumbent. The system used for determining compensation will be objective and non-discriminatory in theory, application and practice. The company has determined that this can best



be accomplished by using a professional compensation consultant, as needed, and a system recommended and approved by the executive management team.

### *Selection Criteria*

1. The compensation system will price positions to market by using local, national, and industry specific survey data.
2. The market data will primarily include marijuana-related businesses and will include survey data for more specialized positions and will address significant market differences due to geographical location.
3. The system will evaluate external equity, which is the relative marketplace job worth of every marijuana industry job directly comparable to similar jobs at APOTHCA, factored for general economic variances, and adjusted to reflect the local economic marketplace.
4. The system will evaluate internal equity, which is the relative worth of each job in the organization when comparing the required level of job competencies, formal training and experience, responsibility and accountability of one job to another, and arranging all jobs in a formal job-grading structure.
5. Professional support and consultation will be available to evaluate the compensation system and provide on-going assistance in the administration of the program.
6. The compensation system must be flexible enough to ensure that the company is able to recruit and retain a highly-qualified workforce, while providing the structure necessary to effectively manage the overall compensation program.

### *Responsibilities*

The executive management team and will give final approval for the compensation system that will be used by APOTHCA.

1. On an annual basis the executive management team will review and approve, as appropriate, recommended changes to position-range movement as determined through the vendor's market analysis process.
2. As part of the annual budgeting process, the executive management team will review and approve, as appropriate, funds to be allocated for total compensation, which would include base salaries, bonus, variable based or incentive-based pay, and all other related expenses, including benefit plans.

### *Management Responsibility*

1. The CEO is charged with ensuring that APOTHCA is staffed with highly-qualified, fully-competent employees and that all programs are administered within appropriate guidelines and within the approved budget.
2. The salary budget will include a gross figure for the following budget adjustments, but the individual determinations for each employee's salary adjustment will be the exclusive domain of the CEO: determining the appropriate head count, titles, position levels, merit and promotional increases and compensation consisting of salary, incentive, bonus, and other discretionary pay for all positions.
3. The CEO will ensure that salary ranges are updated at least annually, that all individual jobs are market priced at least once every two years, and that pay equity adjustments are administered in a fair and equitable manner.

### Agent Background Checks

- In addition to completing the Commission's agent registration process, all agents hired to work for APOTHCA will undergo a detailed background investigation prior to being granted access to a APOTHCA facility or beginning work duties.
- Background checks will be conducted on all agents in their capacity as employees or volunteers for APOTHCA pursuant to 935 CMR 500.100 and will be used by the Director of Security, who will be registered with the Department of Criminal Justice Information Systems pursuant to 803 CMR 2.04: iCORI Registration and the Commission for purposes of determining the suitability of individuals for registration as a marijuana establishment agent with the licensee.
- For purposes of determining suitability based on background checks performed in accordance with 935 CMR 500.101(1), APOTHCA will consider:
  - a. All conditions, offenses, and violations are construed to include Massachusetts law or like or similar law(s) of another state, the United States or foreign jurisdiction, a military, territorial or Native American tribal authority, or any other jurisdiction.
  - b. All criminal disqualifying conditions, offenses, and violations include the crimes of attempt, accessory, conspiracy, and solicitation. Juvenile dispositions will not be considered as a factor for determining suitability.
  - c. Where applicable, all look back periods for criminal conditions, offenses, and violations included in 935 CMR 500.802 commence upon the date of disposition; provided, however, that if disposition results in incarceration in any institution, the look back period will commence upon release from incarceration.
- Suitability determinations will be made in accordance with the procedures set forth in 935 CMR 500.800. In addition to the requirements established in 935 CMR 500.800, APOTHCA will:
  - a. Comply with all guidance provided by the Commission and 935 CMR 500.802: Tables B through D to determine if the results of the background are grounds for Mandatory Disqualification or Presumptive Negative Suitability Determination.
  - b. Consider whether offense(s) or information that would result in a Presumptive Negative Suitability Determination under 935 CMR 500.802. In the event a Presumptive Negative Suitability Determination is made, APOTHCA will consider the following factors:
    - i. Time since the offense or incident;
    - ii. Age of the subject at the time of the offense or incident;
    - iii. Nature and specific circumstances of the offense or incident;
    - iv. Sentence imposed and length, if any, of incarceration, if criminal;
    - v. Penalty or discipline imposed, including damages awarded, if civil or administrative;
    - vi. Relationship of offense or incident to nature of work to be performed;
    - vii. Number of offenses or incidents;
    - viii. Whether offenses or incidents were committed in association with dependence on drugs or alcohol from which the subject has since recovered;

- ix. If criminal, any relevant evidence of rehabilitation or lack thereof, such as information about compliance with conditions of parole or probation, including orders of no contact with victims and witnesses, and the subject's conduct and experience since the time of the offense including, but not limited to, professional or educational certifications obtained; and
  - x. Any other relevant information, including information submitted by the subject.
- c. Consider appeals of determinations of unsuitability based on claims of erroneous information received as part of the background check during the application process in accordance with 803 CMR 2.17: Requirement to Maintain a Secondary Dissemination Log and 2.18: Adverse Employment Decision Based on CORI or Other Types of Criminal History Information Received from a Source Other than the DCJIS.
- Upon adverse determination, APOTHCA will provide the applicant a copy of their background screening report and a pre-adverse determination letter providing the applicant with a copy of their right to dispute the contents of the report, who to contact to do so and the opportunity to provide a supplemental statement.
  - After 10 business days, if the applicant is not disputing the contents of the report and any provided statement does not alter the suitability determination, an adverse action letter will be issued providing the applicant information on the final determination made by APOTHCA along with any legal notices required.
- All suitability determinations will be documented in compliance with all requirements set forth in 935 CMR 500 et seq. and guidance provided by the Commission.
- Background screening will be conducted by an investigative firm holding the National Association of Professional Background Screeners (NAPBS®) Background Screening Credentialing Council (BSCC) accreditation and capable of performing the searches required by the regulations and guidance provided by the Commission.
- References provided by the agent will be verified at the time of hire.
- As deemed necessary, individuals in key positions with unique and sensitive access (e.g. members of the executive management team) will undergo additional screening, which may include interviews with prior employers or colleagues.

As a condition of their continued employment, agents, volunteers, contractors, and subcontractors are required to renew their Program ID cards annually and submit to other background screening as may be required by APOTHCA or the Commission.

## **Plan for Restricting Access to Age 21 and Older**

Pursuant to 935 CMR 500.050(5)(b), Apothca, Inc. (“APOTHCA”) will only be accessible to consumers 21 years of age or older with a verified and valid, government-issued photo ID or in possession of a Program ID Card demonstrating the individual is a registered qualifying patient with the Medical Use of Marijuana Program. Upon entry into the premises of the marijuana establishment by an individual, a APOTHCA agent will immediately inspect the individual’s proof of identification and determine the individual’s age, in accordance with 935 CMR 500.140(2).

In the event APOTHCA discovers any of its agents intentionally or negligently sold marijuana to an individual under the age of 21, the agent will be immediately terminated and the Commission will be promptly notified, pursuant to 935 CMR 500.105(1)(l). APOTHCA will not hire any individuals who are under the age of 21 or who have been convicted of distribution of controlled substances to minors, pursuant to 935 CMR 500.030(1).

Pursuant to 935 CMR 500.105(4), APOTHCA will not engage in any marketing, advertising or branding practices that are targeted to, deemed to appeal to or portray minors under the age of 21. APOTHCA will not engage in any advertising, marketing and branding by means of television, radio, internet, mobile applications, social media, or other electronic communication, billboard or other outdoor advertising, including charitable, sporting or similar events, unless at least 85% of the audience is reasonably expected to be 21 years of age or older as determined by reliable and current audience composition data. APOTHCA will not manufacture or sell any edible products that resemble a realistic or fictional human, animal or fruit, including artistic, caricature or cartoon renderings, pursuant to 935 CMR 500.150(1)(b). In accordance with 935 CMR 500.105(4)(a)(5), any marketing, advertising and branding materials for public viewing will include a warning stating, **“For use only by adults 21 years of age or older. Keep out of the reach of children. Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of marijuana.”** Pursuant to 935 CMR 500.105(6)(b), APOTHCA packaging for any marijuana or marijuana products will not use bright colors, resemble existing branded products, feature cartoons or celebrities commonly used to market products to minors, feature images of minors or other words that refer to products commonly associated with minors or otherwise be attractive to minors. APOTHCA’s website will require all online visitors to verify they are 21 years of age or older prior to accessing the website, in accordance with 935 CMR 500.105(4)(b)(13).

## **Plan for Separating Recreational from Medical Operations**

Apothca, Inc. (“APOTHCA”) has developed plans to ensure virtual and physical separation between medical and adult use marijuana operations in accordance with 935 CMR 500.101(2)(e)(4).

Using a sophisticated and customized seed-to-sale and Point of Sale (POS) software system approved by the Commission, APOTHCA will virtually separate medical and adult-use operations by designating at the point of sale whether a particular marijuana product is intended for sale to a registered patient/caregiver or a verified consumer 21 years of age or older. All inventory and sales transactions will be carefully tracked and documented in these software systems.

In compliance with 935 CMR 500.140(10), APOTHCA will ensure that registered patients have access to a sufficient quantity and variety of marijuana and marijuana products to meet their medical needs. For the first 6 months of operations, 35% of APOTHCA’s marijuana product inventory will be marked for medical use and reserved for registered patients. Thereafter, a quantity and variety of marijuana products for patients that is sufficient to meet the demand indicated by an analysis of sales data collected during the preceding 6 months will be marked and reserved for registered patients.

Marijuana products reserved for registered patients will be either: (1) maintained on site in an area separate from marijuana products intended for adult use, or (2) easily accessible at another APOTHCA location and transferable to APOTHCA’s retailer location within 48 hours. APOTHCA may transfer a marijuana product reserved for medical use to adult use within a reasonable period of time prior to the product’s date of expiration.

In addition to virtual separation, APOTHCA will provide for physical separation between the area designated for sales of medical marijuana products to patients/caregivers, and the area designated for sales of adult-use marijuana products to individuals 21 years of age or older. Within the sales area, a temporary or semi-permanent barrier, such as a stanchion or other divider, will be installed to create separate, clearly marked lines for patients/caregivers and adult-use consumers. Trained marijuana establishment agents will verify the age of all individuals, as well the validity of any Medical Use of Marijuana Program ID Cards, upon entry to the facility and direct them to the appropriate queue.

Access to the adult-use marijuana queue will be limited to individuals 21 years of age or older, regardless if the individual is registered as a patient/caregiver. Registered patients under the age of 21 will only have access to the medical marijuana queue. Registered patients/caregivers 21 years of age or older will be permitted to access either queue and will not be limited only to the medical marijuana queue.

APOTHCA will have a private area separate from the sales floor to allow a registered patient/caregiver to meet with a trained marijuana establishment agent for confidential consultations about the medical use of marijuana.

## **Prevention of Diversion**

Apothca, Inc.'s ("APOTHCA") operating policies and procedures ensure prevention of diversion, theft, and illegal or unauthorized conduct pursuant to the Commission's Adult Use of Marijuana regulations codified in 935 CMR 500. Considerations regarding diversion prevention measures include, but are not limited to, marijuana establishment agent and consumer accountability, and identifying, recording, and reporting diversion, theft, or loss. Marijuana in the process of transport, analysis, or retail sale is to be stored and tracked in a manner that prevents diversion, theft, or loss.

More specifically, diversion measures include policies and procedures requiring that:

- Identification is verified on the premises to ensure that only individuals 21 years or older are permitted in APOTHCA's adult-use marijuana establishment.
- If APOTHCA's adult-use marijuana establishment is co-located with an RMD, operations of the marijuana establishment and RMD are separated at the point of sale, and the adult use operation is restricted to those individuals 21 years of age or older pursuant to 935 CMR 500.101(2)(e)(4).
- Providing samples or giving away marijuana to consumers is prohibited (except in the case of co-located facilities where RMD applicants are providing reduced cost or free marijuana to patients with documented verified financial hardship per 105 CMR 725.100(A)(6)).
- Employees are made aware of crime prevention techniques pursuant to 935 CMR 500.105(1)(b).
- Any marijuana establishment agent who has diverted marijuana is immediately dismissed, and this is reported to law enforcement and to the Commission pursuant to 935 CMR 500.105(1)(l).
- All employees involved in the handling and sale of marijuana for adult use complete a responsible vendor training program with a curriculum covering diversion prevention and prevention of sales to minors, and comply with all other marijuana establishment agent training requirements under 935 CMR 500.105(2).
- Display samples of each product offered for sale are displayed in secure, locked cases, subject to the requirements of 935 CMR 500.110.
- APOTHCA only engages in reasonable marketing, advertising, and branding practices that do not promote the diversion of marijuana, and comply with all other marketing and advertising requirements under 935 CMR 500.105(4).
- Warning statements required by the Commission's regulations are affixed to all applicable products, and that APOTHCA's labels comply with all other labeling of marijuana and marijuana products requirements under 935 CMR 500.105(5).

- Tamper or child-resistant packaging is used for applicable marijuana products, and that APOTHCA's products comply with all other packaging of marijuana and marijuana products requirements under 935 CMR 500.105(6).
- APOTHCA maintain real-time inventory, and tracking and tagging all marijuana seeds, clones, plants, and marijuana products, using a seed-to-sale methodology in a form and manner to be approved by the Commission.
- Records are kept for inventory, seed-to-sale tracking for all marijuana products, personnel (including documentation of the completion of required training), and waste disposal, and that APOTHCA comply with all other record keeping requirements under 935 CMR 500.105(9).
- Marijuana that is outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging have been opened or breached, is stored in a separate area, until such products are destroyed; and that APOTHCA comply with all other storage requirements under 935 CMR 500.105(11).
- Two or more marijuana establishment agents witness and document how the marijuana waste is disposed or otherwise handled, and that APOTHCA comply with all other waste disposal requirements under 935 CMR 500.105(12).
- All transported marijuana products are linked to the seed-to-sale tracking program, that all vehicles transporting marijuana are staffed with a minimum of two marijuana establishment agents, and that any vehicle accidents, diversions, or other reportable incidents that occur during transport are reported to the Commission and law enforcement within 24 hours, and that APOTHCA comply with all other transportation requirements under 935 CMR 500.105(13).
- All security requirements under 935 CMR 500.110 are followed, including:
  - Implementing sufficient safety measures to deter and prevent unauthorized entrance into areas containing marijuana and theft of marijuana at APOTHCA's adult-use marijuana retail location;
  - Adopting procedures to prevent loitering and to ensure that only individuals engaging in activity expressly or by necessary implication permitted by the Commission's regulations and its enabling statute are allowed to remain on the premises;
  - Storing all finished marijuana products in a secure, locked safe or vault in such a manner as to prevent diversion, theft, and loss;
  - Restricting access to employees, agents or volunteers specifically permitted by APOTHCA, agents of the Commission, state and local law enforcement and emergency personnel, and all other limited access areas requirements under 935 CMR 500.110(4);
  - Implementing an adequate security system to prevent and detect diversion, theft or loss of marijuana, notifying law enforcement and the Commission within 24



hours of a diversion, theft or loss of any marijuana product, and all other security and alarm requirements under 935 CMR 500.110(5); and

- Obtaining, at APOTHCA's own expense, a security system audit by a vendor approved by the Commission, and all other security audits requirements under 935 CMR 500.110(8).
- All other operating requirements for retail sale under 935 CMR 500.140 are followed, including:
  - Limiting sales to one ounce of marijuana or five grams of marijuana concentrate to a consumer per transaction;
  - Utilization of a point-of-sale (POS) system approved by the Commission, in consultation with the DOR;

Providing educational materials to consumers stating that they may not sell marijuana to any other individual and which include information regarding penalties for possession and distribution of marijuana in violation of Massachusetts law.

## **Qualifications and Training**

Apothca (“APOTHCA”) will ensure that all employees hired to work at a APOTHCA facility will be qualified to work as a marijuana establishment agent and properly trained to serve in their respective roles in a compliant manner.

### **Qualifications**

In accordance with 935 CMR 500.030, a candidate for employment as a marijuana establishment agent must be 21 years of age or older. In addition, the candidate cannot have been convicted of a criminal offense in the Commonwealth involving the distribution of controlled substances to minors, or a like violation of the laws of another state, the United States, or foreign jurisdiction, or a military, territorial, or Native American tribal authority.

APOTHCA will also ensure that its employees are suitable for registration consistent with the provisions of 935 CMR 500.802. In the event that APOTHCA discovers any of its agents are not suitable for registration as a marijuana establishment agent, the agent’s employment will be terminated, and APOTHCA will notify the Commission within one (1) business day that the agent is no longer associated with the establishment.

### **Training**

As required by 935 CMR 500.105(2), and prior to performing job functions, each of APOTHCA’s agents will successfully complete a comprehensive training program that is tailored to the roles and responsibilities of the agent’s job function. Agent training will at least include the Responsible Vendor Program and eight (8) hours of on-going training annually.

On or after July 1, 2019, and once a program is selected by the Commission, all of APOTHCA’s current owners, managers, and employees will attend and successfully completed a Responsible Vendor Program operated by an education provider accredited by the Commission to provide the annual minimum of two hours of responsible vendor training to marijuana establishment agents. APOTHCA’s new, non-administrative employees will complete the Responsible Vendor Program within 90 days of the date they are hired. APOTHCA’s owners, managers, and employees will then successfully complete the program once every year thereafter. APOTHCA will also encourage administrative employees who do not handle or sell marijuana to take the responsible vendor program on a voluntary basis to help ensure compliance. APOTHCA’s records of responsible vendor training program compliance will be maintained for at least four (4) years and made available during normal business hours for inspection by the Commission and any other state licensing authority upon request.

As part of the Responsible Vendor program, APOTHCA's agents will receive training on a variety of topics relevant to marijuana establishment operations, including but not limited to the following:

1. Marijuana's effect on the human body, including physical effects based on different types of marijuana products and methods of administration, and recognizing the visible signs of impairment;
2. Best practices for diversion prevention and prevention of sales to minors;
3. Compliance with tracking requirements;
4. Acceptable forms of identification, including verification of valid photo identification and medical marijuana registration and confiscation of fraudulent identifications;
5. Such other areas of training determined by the Commission to be included; and
6. Other significant state laws and rules affecting operators, such as:
  - Local and state licensing and enforcement;
  - Incident and notification requirements;
  - Administrative and criminal liability and license sanctions and court sanctions;
  - Waste disposal and health and safety standards;
  - Patrons prohibited from bringing marijuana onto licensed premises;
  - Permitted hours of sale and conduct of establishment;
  - Permitting inspections by state and local licensing and enforcement authorities;
  - Licensee responsibilities for activities occurring within licensed premises;
  - Maintenance of records and privacy issues; and

Prohibited purchases and practices.

## **Quality Control and Testing**

### **Quality Control**

Apothca, Inc. (“APOTHCA”) will comply with the following sanitary requirements:

1. Any APOTHCA agent whose job includes contact with marijuana or nonedible marijuana products, including cultivation, production, or packaging, is subject to the requirements for food handlers specified in 105 CMR 300.000, and all edible marijuana products will be prepared, handled, and stored in compliance with the sanitation requirements in 105 CMR 500.000, and with the requirements for food handlers specified in 105 CMR 300.000.
2. Any APOTHCA agent working in direct contact with preparation of marijuana or nonedible marijuana products will conform to sanitary practices while on duty, including:
  - a. Maintaining adequate personal cleanliness; and
  - b. Washing hands thoroughly in an adequate hand-washing area before starting work, and at any other time when hands may have become soiled or contaminated.
3. APOTHCA’s hand-washing facilities will be adequate and convenient and will be furnished with running water at a suitable temperature. Hand-washing facilities will be located in APOTHCA’s production areas and where good sanitary practices require employees to wash and sanitize their hands, and will provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices;
4. APOTHCA’s facility will have sufficient space for placement of equipment and storage of materials as is necessary for the maintenance of sanitary operations;
5. APOTHCA will ensure that litter and waste is properly removed and disposed of so as to minimize the development of odor and minimize the potential for the waste attracting and harboring pests. The operating systems for waste disposal will be maintained in an adequate manner pursuant to 935 CMR 500.105(12);
6. APOTHCA’s floors, walls, and ceilings will be constructed in such a manner that they may be adequately kept clean and in good repair;
7. APOTHCA’s facility will have adequate safety lighting in all processing and storage areas, as well as areas where equipment or utensils are cleaned;
8. APOTHCA’s buildings, fixtures, and other physical facilities will be maintained in a sanitary condition;
9. APOTHCA will ensure that all contact surfaces, including utensils and equipment, will be maintained in a clean and sanitary condition. Such surfaces will be cleaned and sanitized as frequently as necessary to protect against contamination, using a sanitizing agent registered by the US Environmental Protection Agency (EPA), in accordance with labeled instructions. Equipment and utensils will be so designed and of such material and workmanship as to be adequately cleanable;

10. All toxic items will be identified, held, and stored in a manner that protects against contamination of marijuana products;
11. APOTHCA will ensure that its water supply is sufficient for necessary operations, and that such water supply is safe and potable;
12. APOTHCA's plumbing will be of adequate size and design, and adequately installed and maintained to carry sufficient quantities of water to required locations throughout the marijuana establishment. Plumbing will properly convey sewage and liquid disposable waste from the marijuana establishment. There will be no cross-connections between the potable and waste water lines;
13. APOTHCA will provide its employees with adequate, readily accessible toilet facilities that are maintained in a sanitary condition and in good repair;
14. APOTHCA will hold all products that can support the rapid growth of undesirable microorganisms in a manner that prevents the growth of these microorganisms; and
15. APOTHCA will store and transport finished products under conditions that will protect them against physical, chemical, and microbial contamination, as well as against deterioration of finished products or their containers.

APOTHCA's vehicles and transportation equipment used in the transportation of marijuana products or edibles requiring temperature control for safety will be designed, maintained, and equipped as necessary to provide adequate temperature control to prevent the marijuana products or edibles from becoming unsafe during transportation, consistent with applicable requirements pursuant to 21 CFR 1.908(c).

APOTHCA will ensure that APOTHCA's facility is always maintained in a sanitary fashion and will comply with all applicable sanitary requirements.

APOTHCA will follow established policies and procedures for handling voluntary and mandatory recalls of marijuana products. Such procedures are sufficient to deal with recalls due to any action initiated at the request or order of the Commission, and any voluntary action by APOTHCA to remove defective or potentially defective marijuana products from the market, as well as any action undertaken to promote public health and safety.

Any inventory that becomes outdated, spoiled, damaged, deteriorated, mislabeled, or contaminated will be disposed of in accordance with the provisions of 935 CMR 500.105(12), and any such waste will be stored, secured, and managed in accordance with applicable state and local statutes, ordinances, and regulations.

APOTHCA will process marijuana in a safe and sanitary manner. APOTHCA will process the leaves and flowers of the female marijuana plant only, which will be:

- Well-cured and generally free of seeds and stems;

- Free of dirt, sand, debris, and other foreign matter;
- Free of contamination by mold, rot, other fungus, and bacterial diseases;
- Prepared and handled on food-grade stainless steel tables; and
- Packaged in a secure area.

All edible products will be prepared, handled, and stored in compliance with the sanitation requirements in 105 CMR 590.000: Minimum Sanitation Standards for Food Establishments.

### Testing

APOTHCA will not sell or otherwise market marijuana or marijuana products that are not capable of being tested by Independent Testing Laboratories, except as allowed under 935 CMR 500.000. No marijuana product will be sold or otherwise marketed for adult use that has not first been tested by an Independent Testing Laboratory and deemed to comply with the standards required under 935 CMR 500.160. Testing of APOTHCA's marijuana products will be performed by an Independent Testing Laboratory in compliance with the Protocol for Sampling and Analysis of Finished Medical Marijuana Products and Marijuana-infused Products, as amended in November 2016, published by the DPH. Testing of APOTHCA's environmental media will be performed in compliance with the Protocol for Sampling and Analysis of Environmental Media for Massachusetts Registered Medical Marijuana Dispensaries published by the CCC.

APOTHCA's policy of responding to laboratory results that indicate contaminant levels are above acceptable limits established in the CCC protocols identified in 935 CMR 500.160(1) include notifying the Commission within 72 hours of any laboratory testing results indicating that the contamination cannot be remediated and disposing of the production batch. Such notification will describe a proposed plan of action for both the destruction of the contaminated product and the assessment of the source of contamination.

APOTHCA will maintain testing results in compliance with 935 CMR 500.000 *et seq* and the record keeping policies described herein and will maintain the results of all testing for no less than one year.

All transportation of marijuana to and from Independent Testing Laboratories providing marijuana testing services will comply with 935 CMR 500.105(13). All storage of APOTHCA's marijuana at a laboratory providing marijuana testing services will comply with 935 CMR 500.105(11). All excess marijuana will be disposed in compliance with 935 CMR 500.105(12), either by the Independent Testing Laboratory returning excess marijuana to APOTHCA for disposal or by the Independent Testing Laboratory disposing of it directly.

## **Storage of Marijuana**

Apothca, Inc. (“APOTHCA”) will ensure that all marijuana and marijuana products are stored in compliance with 935 CMR 500.105(11). Specifically, APOTHCA will ensure the following:

- The facility will have adequate lighting, ventilation, temperature, humidity, space, and equipment, in accordance with applicable provisions of 935 CMR 500.105 and 500.110;
- The facility will have separate areas for storage of marijuana that is outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging have been opened or breached, until such products are destroyed, in accordance with applicable provision of 935 CMR 500.105(12);
- All storage areas will be maintained in a clean and orderly condition;
- All storage areas will be free from infestation by insects, rodents, birds, and pests of any kind; and
- All storage areas will be maintained in accordance with the security requirements of 935 CMR 500.110.

Per the requirements of 935 CMR 500.110, all finished marijuana products will be stored in a secure, locked safe or vault in such a manner as to prevent diversion, theft, and loss.

Furthermore, all safes, vaults, and any other equipment or areas used for the storage of marijuana products will be securely locked and protected from entry, except for the actual time required to remove or replace marijuana.

The storage of finished products will be under conditions that will protect them against physical, chemical, and microbial contamination as well as against deterioration of finished products or their containers, per the requirements of 935 CMR 500.105(3)(b)(15).

In accordance with 935 CMR 500.105(3)(c), APOTHCA will comply with sanitary requirements. All edible products will be prepared, handled and stored in compliance with the sanitation requirements in 105 CMR 590.000: *Minimum Sanitation Standards for Food Establishments*.

## CLIENT STATEMENT OF ACCOUNT

### COMPANY

Specialty Escrow Solutions, LLC  
1331 17th. Street, Suite 1250  
Denver, CO 80202  
(303) 865-7300

ACCOUNT NO.

STATEMENT DATE

5/23/2019

### ACCOUNT BALANCE

\$20,000.00

### CLIENT

AXB-Massachusetts Patient Foundation, Inc  
296 Ocean Blvd.  
Golden Beach FL 33160

### STATEMENT PERIOD

ALL ACTIVITY

Please advise us immediately of any discrepancies in the transactions or investment activity on your statement of account or if you contemplate changing your address. When making inquiries by telephone or in writing please give your account number. We urge you to keep this statement with your investment records.

### LOAN SERVICING TRUST

DATE	CHECK# OR REFERENCE	FROM WHOM RECEIVED OR TO WHOM PAID	FUNDS PAID OUT	FUNDS RECEIVED	DAILY BALANCE
				Balance Forward	\$0.00
7/19/2018		Bofl-Massachusetts Patient Foundation, Inc		\$5,000.00	\$5,000.00
7/20/2018	072018	Accruit, LLC	\$900.00		\$4,100.00
9/18/2018	WIRE	Bofl-Massachusetts Patient Foundation, Inc		\$5,900.00	\$10,000.00
10/12/2018	WIRE	AXB-Massachusetts Patient Foundation, Inc		\$5,000.00	\$15,000.00
5/23/2019	Wire 0523	AXB-Massachusetts Patient Foundation, Inc		\$5,000.00	\$20,000.00
			\$900.00	\$20,900.00	



**Prepared for:**

Dan Karten

11 Water Street  
Arlington, MA 02474

**Prepared by:**

Ryan Mitchell

Re: Working Agreement # P-101508

Dear Dan,

Triumvirate Environmental is pleased to have this opportunity to offer our services to you. Based on our recent discussion, we have prepared the following Working Agreement.

**Scope of Services:**

Triumvirate Environmental will perform the following tasks:

- Help prepare drums for shipment
- Check all containers for DOT compliance
- Finalize all the necessary paperwork (including manifests, LDR's, and labels)
- Load drums onto a Triumvirate Environmental DOT-permitted vehicle
- Transport the waste to the appropriate disposal facility(s)

**Cost of Services:**

Disposal				
Item	Size	Qty	Price	Unit of Measure
Denatured Marijuana	5	1.00	\$175.00	Per Unit
Denatured Marijuana	55	1.00	\$1,315.00	Per Unit

Labor				
Item	Size	Qty	Price	Unit of Measure
Environmental Chemist		1.00	\$75.00	Hourly

Transportation				
Item	Size	Qty	Price	Unit of Measure

# Proposal



Other		1.00	\$250.00	Daily
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# Proposal



## Assumptions & Exclusions:

- The pricing contained in this Working Agreement will remain valid for 30 days after the date of delivery and is subject to an annual increase based primarily upon changes in the U.S. City Average Consumer Price Index for All Urban Consumers (CPI-U). Work determined to be outside the scope described in this Working Agreement will be performed through authorization by Triumvirate Environmental and ArtcanGroup.
- State hazardous waste transporter fees and state sales tax will be applied to invoices where applicable.
- A 18.0% Energy & Insurance Recovery Fee will be assessed on each invoice. This fee covers energy, fuel, and environmental insurance costs. This fee is monitored and updated based upon current market conditions including, but not limited to, the national average diesel prices from the U.S. Department of Energy.
- A four (4) hour minimum will be applicable to all labor and equipment. All labor rates are invoiced on a portal-to-portal basis to the closest 1/4 hour, when applicable.
- Cancellation of jobs with less than a 12-hour notice will be subject to a \$450.00 charge. Jobs cancelled when the crews are in-route will be subject to a four-hour minimum billing for labor and equipment.
- Triumvirate field crews work eight (8) hour days. Normal hourly rates are utilized between the hours 6:00 AM and 6:00 PM weekdays. Requests for special work hours must be submitted to Triumvirate and agreed upon prior to any work. All time beyond eight (8) hours per day, or outside of normal hours, will be invoiced at the specified overtime rate. Overtime rates are computed at 150% of the regular rate. All work performed on Sunday and holidays will be computed at 200% of the regular rate.
- A per diem rate of \$175/day/person will be applicable when work does not allow personnel to return home.
- Hazardous waste disposal rates are based upon characterization and volume. Non-conforming waste fees will be billed to Customer when waste does not meet characterization of waste provided to TEI.
- Unless otherwise noted, standard waste pickup and transportation fees are based upon one (1) hour of onsite time. A demurrage rate of \$90/hour will be billed when delays are incurred during routine waste pickups causing onsite time to be in excess of this standard.
- Where necessary to perform the work or with less than 24-hour notice, the cleaning of vacuum trucks or tankers will be subject to a \$350 cleaning fee.
- Travel related expenses, unless otherwise noted, will be billed back to the customer at cost.
- Any additional costs incurred by Triumvirate, which Triumvirate is unable to mitigate, associated with: services that are outside of the scope of work or project schedule delays outside of Triumvirate's control will be billed to Customer at Triumvirate's current time and material rates plus travel and other related expenses.

# Proposal



## TERMS & CONDITIONS

1. These Terms and Conditions, together with the Working Agreements of Triumvirate Environmental, Inc. ("TEI") make up the agreement ("Agreement") between TEI and ArtcanGroup ("Client").

2. **Payment.** Client will compensate TEI for all service, labor, materials and equipment. TEI shall submit, at a minimum, monthly invoices to Client for the work performed. Each invoice shall be due and payable in full without retention within fifteen (15) days of invoice date unless Client notifies TEI of its objections within ten (10) days of receipt of the invoice, gives reasons for objecting, and pays that portion of the invoice that is not in dispute within fifteen (15) days of invoice date. All charges are portal to portal. A 1.5% finance charge per month will be applied to past-due invoices compounded monthly, beginning fifteen (15) days after the date due until full payment of the past due amount is received. TEI may terminate the work upon five (5) days' notice to Client any time Client's payment is overdue on any project and Client will be responsible for all work through termination, plus termination costs. Cancellation of jobs less than a twelve (12) hour notice will be subject to a cancellation charge. Jobs cancelled when TEI crew are en route will be subject to a four (4) hour minimum billing for the labor and equipment. If Client fails to perform its payment obligations in accordance with this Agreement, TEI shall have the right to recover any and all reasonable attorney's fees for the collection of past-due invoices and to seek remedies available to TEI under applicable law or equity.

3. **Site Access and Existing Conditions.** Client shall provide TEI, its agents and subcontractors, with access to the site(s). Client shall provide to TEI any and all records, surveys, and other documents and information as necessary for TEI to perform the Services hereunder, including but not limited to all plans concerning underground services/utilities, conduits, pipes, tanks and other facilities and obstructions at the site, and TEI shall be entitled to rely on any such information without independent verification of the accuracy thereof, unless otherwise instructed or informed by Client. Client acknowledges that unforeseen conditions may require TEI to perform additional Services. Those Services may require additional compensation. TEI will prepare an Additional Work Authorization to reflect the impact to the cost for Client approval. If the parties are unable to reach agreement, TEI will be entitled to terminate its work and be equitably compensated for work already performed. Client understands and acknowledges that TEI and its subcontractors have played no part in the generation, creation, release or threatened release of a substance, waste, compound or material, hazardous or non-hazardous which may exist at the site.

4. **Standard of Care.** Client recognizes that environmental, geologic and geotechnical conditions can vary from those encountered at the times and locations where data are obtained by TEI and that the limitation of available data results in some level of uncertainty with respect to the interpretation of these conditions, despite the use of standard professional care and skill. TEI agrees to use that level of care and skill ordinarily exercised by other professional environmental firms acting under similar circumstances in performing its Services hereunder. Except for this standard of care and skill, no warranty, express or implied is made or intended by TEI in providing the Services hereunder, including the furnishing of oral or written reports of the findings made. Client will notify TEI with reasonable specificity of any deficiencies in the work within thirty (30) days of discovery but in no event later than ninety (90) days after completion of the services, and Client will grant TEI a reasonable opportunity to

# Proposal



provide a reasonable remedy to any such deficiencies. TEI will not have responsibility for or control of the site or of operations or activities at the site other than its own.

**5. Indemnification.** TEI shall defend, protect, indemnify and hold harmless Client, its directors and officers, from and against any and all claims, liabilities, demands, damages, losses, costs and expenses, including, but not limited to, reasonable attorneys' fees and costs which are the direct and sole result of grossly negligent acts, errors, or omissions of TEI or the willful misconduct of TEI; provided, however, TEI's liability shall be limited in any event to a maximum amount of one hundred thousand dollars (\$100,000), and TEI shall in no event be liable for special, consequential or punitive damages.

To the fullest extent allowable by law, Client agrees that it shall defend, indemnify, save and hold TEI, its agents, directors, officers, employees, successors, and assigns (the "TEI Parties") harmless from any and all demands, liabilities, losses, costs and claims, including attorneys' fees, asserted against any of the TEI Parties, that may arise or result from any Services provided or performed or agreed to be performed by TEI, other than those matters which are the direct and sole result of the grossly negligent acts or omissions or willful misconduct of the TEI Parties.

6. Neither party shall be liable or deemed in default for failure to perform any duty or obligation that such party may have under this Agreement (other than a failure to make payment that is due and owing) where such failure has been occasioned by any act of terror, god, fire, strike, inevitable accidents, war, or any other cause outside the reasonable control of that party and occurring without its fault or negligence. When workers are employed and unable to work due to or directed by the Client, all idle time will be charged by TEI at unit rates. In the event that work is suspended or terminated for any reason prior to the completion of the services, Client agrees to pay for labor, equipment, materials, disposal and other costs incurred by contractor at the agreed rate.

**7. Waste Conformance.** Client hereby certifies that the waste shall be in conformance with analytical data or other specifications provided to TEI prior to job execution. To the extent that the waste does not conform, Client shall indemnify and hold TEI harmless from all liability and damages arising therefrom. Furthermore, TEI shall be released from all of its obligations under this Agreement. TEI reserves the right to charge for waste that is out of conformance. Containers shall be DOT acceptable and TEI reserves the right to charge for the transfer and/or repackaging of wastes into suitable DOT containers. All TEI transactions shall be conducted within existing EPA, DOT, DEP and ICC mandates and regulations.

**8. Entire Agreement and Modification.** This Agreement, and any Additional Work Authorizations issued by TEI and signed by Client hereunder, constitute the entire agreement of the Parties and supersede any and all prior or contemporaneous written or oral negotiations, correspondence, understandings and agreements between the Parties respecting the subject matter hereof. No supplement, Client purchase order, modification or amendment to this Agreement, other than Proposals, Quotations, and Additional Work Authorizations issued by TEI and signed by Client, shall be binding unless executed in writing by both Parties.

**9. Severability.** If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining terms and provisions of this Agreement shall in no

# Proposal



way be affected, impaired or invalidated, and to the extent permitted by law, shall be restricted in applicability or reformed to the minimum extent required to be enforceable. This provision shall be interpreted and enforced to provide the original written intent of the parties prior to the determination of such invalidity or unenforceability.

10. **Assignment.** This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective heirs, representatives, successors and assigns, as the case may be. Neither Client nor TEI shall be entitled to assign any of its rights or obligations hereunder without the prior written consent of the non-assigning party.

11. **Governing Law and Jurisdiction.** This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the Commonwealth of Massachusetts, and the parties hereby agree to accept and submit any disputes between the parties to the courts located in the Commonwealth of Massachusetts.

# Proposal



## **ACCEPTANCE**

Please sign and return our working agreement along with a purchase order indicating your acceptance. All work performed under this working agreement and subsequent working agreements will be conducted in accordance with the terms and conditions established above.

Sincerely,

Ryan Mitchell  
Corporate Sales Trainee  
Triumvirate Environmental, Inc.  
200 Innerbelt Road  
Somerville, Massachusetts 02143

## **Working Agreement approval by Authorized Representative**

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Date: \_\_\_\_\_

Working Agreement Number: P-101508 \_\_\_\_\_

Purchase Order \_\_\_\_\_

# Proposal







Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health  
27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

## FOOD ESTABLISHMENT PLAN REVIEW APPLICATION

*These guidelines are not final requirements. The Board of Health may require additional information based on the type of operation and menu.*

☒ NEW      ☐ REMODEL      ☐ CHANGE OF TYPE OF SERVICE

**Plan Review Fee: \$150.00** (checks made payable to: Town of Arlington)

PROJECTED CONSTRUCTION DATE March 1, 2020

PROJECTED OPENING DATE April 30, 2020

ESTABLISHMENT NAME Apothca, Inc.

ADDRESS 1386 Massachusetts Ave, Arlington, MA 02476

CONTACT PERSON/ TITLE Joseph Lekach / Chief Executive Officer

CONTACT NUMBER 305-741-6540

CONTACT ADDRESS 99 Development Rd, Fitchburg, MA 01420

Please be advised this Office requires **30-days to review a completed Plan Review Application**. This Office will issue a letter indicating approval or denial of the Plan Review Application. No work shall begin in an establishment without written approval from this Office. **This Office may return or deny incomplete Plan Review Applications.** No application will be accepted without the required fee.

### PLAN REVIEW STEPS:

- Submit Plan Review Application and plan review fee
- Wait for approval/denial letter from this Office
- Once plans have been approved- construction/renovations can begin in establishment
- Once construction is completed, contact this Office for a pre-operational inspection- No food is permitted in the establishment until approved by this Office.
- Upon successful pre-operational inspection- complete the permit application and pay annual permit fee depending on category number (determined by this Office)
- Once annual permit fee is paid, a permit will be issued. Permits expire December 31<sup>st</sup> of each year.

Questions regarding this application can be directed to:

Natasha Waden  
Health Compliance Officer  
781-316-3170

Name of Establishment Apothca, Inc. ("Apothca")

Address: 1386 Massachusetts Ave, Arlington, MA 02476 Phone# 305-741-6540

Name of Owner: Apothca is leasing space from property owner, B&G Corset Company

Telephone: (781) 935-3350 Email david@dataprint.net

Applicant's Name and Title: Apothca, Inc.

Mailing Address: 99 Development Rd, Fitchburg, MA 01420

Telephone: (305) 741-6540

**Type of service:**  
(Check all that apply)

<input type="checkbox"/>	Sit down Meals
<input type="checkbox"/>	Take Out
<input type="checkbox"/>	Caterer
<input type="checkbox"/>	Mobile Vendor
<input checked="" type="checkbox"/>	Retail (packaged food)
<input type="checkbox"/>	Other

**Primary language (s) spoken in establishment** English

**Name(s) of Certified Food Manager:** Per the Board of Health's instructions, no Certified Food Manager certificate is required for the Arlington dispensary. The certificates for the Fitchburg Facility are attached.

**(Attach copy of certificate) Effective February 1, 2010 certified manager must also have allergen awareness certificate.**

Apothca will provide a copy of the allergen awareness certificate for the Arlington dispensary at a later date.

**Number of floors on which operations are conducted** 1

**Is a scale used to weigh food for resale?**

YES **(NO)**

**Number of seats:** N/A **Total square ft. of establishment:** 1,800

**Number of staff:** 10 (Max per shift)

**Hours of operation:**

10 AM - 8 PM Sun 10 AM - 8 PM Mon 10 AM - 8 PM Tue

10 AM - 8 PM Wed 10 AM - 8 PM Thurs 10 AM - 8 PM Fri 10 AM - 8 PM Sat

**Approximate number of meals to be served:**

                     Breakfast                      Lunch                      Dinner                      <sup>N/A, just</sup>                      <sup>prepackaged retail</sup> Other

The following documents must be included for this application to be considered complete:

- A \$150.00 non-refundable plan review fee made payable to the Town of Arlington. **Included with application**
- Proposed Menu (including seasonal, off-site, and banquet menus) **See Appendix F**
- Menu must include consumer advisory if establishment is serving raw, undercooked foods of animal origin or foods that are not otherwise processed to eliminate disease-causing organisms. **N/A**

Consumer Advisory Example:

Menu	
*Hamburger	*Sirloin Steak
*Eggs	*Sushi
*These items may be served raw or undercooked. Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness.	

- Effective October 1, 2010- food establishment cooking, serving or preparing food intended for immediate consumption either on or off the premises must include the following Allergen Awareness Statement on the menu and menu board: “Before placing your order, please inform your server if a person in your party has a food allergy”. **MPF will obtain and display**
- Manufacturer Specification sheets for each piece of equipment shown on the plan **See Appendix G**
- Site plan showing location of business in building; location of building on site including alleys, streets; and location of any outside equipment (dumpsters, etc) **See Appendix H**
- Floor plan drawn to scale of the food establishment showing the location of equipment, plumbing, electrical services and mechanical ventilation. **See Appendix B**
  - Plans must be a minimum of 11 x 14 inches in size
  - Drawn to a minimum of ¼ inch= 1 foot.
  - Show location of all food equipment
  - Each piece of equipment must be clearly labeled with its common name.
  - Include all areas such as storage rooms, garbage rooms, toilets, basements and/or cellars used for storage or food preparation. Show all features of these rooms as required by this plan review.
- Adequate number of clearly designated hand washing lavatories for each toilet fixture and in food preparation areas. **N/A**
- Provide the room size, aisle space, space between and behind equipment and the placement of the equipment on the floor plan. **See Appendix B**

I have submitted plans/applications to the following authorities on the following dates:

☒ Board of Selectmen  
☒ Zoning  
☒ Planning  
☒ Building  
☒ Plumbing

☒ Electric  
☒ Police  
☒ Fire  
☐ Other

**FOOD PREPARATION REVIEW**

Check categories of Potentially Hazardous Foods (PHF's) to be handled, prepared and served.

CATEGORY	YES	NO	
Thin meats, poultry, fish, eggs (hamburger, sliced meats, fillets)			N/A
Thick meats, whole poultry (roast beef; whole turkey, chickens, hams)			N/A
Cold processed foods (salads, sandwiches, vegetables)			N/A
Hot processed foods (soups, stews, rice, noodles, gravy, chowders, casseroles)			N/A
Bakery goods (pies, custards, cream fillings & toppings)			N/A
Other- specify			N/A

**CIRCLE/ANSWER THE FOLLOWING QUESTIONS:**

1. Are all food supplies from inspected and approved sources?

**YES** NO

Provide name of food supplier(s): No manufacturing or baking of edible MIPS will occur in Arlington.

All food supplies and edible MIPS production will occur at Apothca's facility in Fitchburg or be purchased from licensed RMDs or Product Manufacturers.

2. What are the projected frequencies of deliveries for Frozen foods N/A,  
refrigerated foods N/A, and Dry goods Twice per week.

3. Provide information on the amount of space (in cubic feet) allocated for:

Dry storage 1,000  
Refrigerated Storage N/A  
Frozen Storage N/A

4. How will dry goods be stored off the floor?

Dry goods will be stored in secure containers in the secure vault on Nexel-brand,  
NSF-approved, clean durable metal wire shelving. . . . .

**COLD STORAGE:**

1. Is adequate and approved freezer and refrigeration space available to store frozen foods frozen, and refrigerated foods at 41°F (5°C) and below? YES / NO N/A  
Number of refrigeration units: \_\_\_\_\_  
Number of freezer units: \_\_\_\_\_

2. Will raw meats, poultry, and seafood be stored in the same refrigerators and freezers with cooked/ ready-to-eat foods? YES / NO N/A  
If yes, how will cross-contamination be prevented?  
\_\_\_\_\_  
\_\_\_\_\_

3. Does each refrigerator/ freezer have a thermometer? YES / NO N/A

**THAWING FROZEN POTENTIALLY HAZARDOUS FOOD:**

N/A

Indicate by checking the appropriate boxes how frozen potentially hazardous foods (PHF's) in each category will be thawed. More than one method may apply. Also, indicate where thawing will take place.

THAWING	*THICK FROZEN FOODS	* THIN FROZEN FOODS
Refrigeration		
Running Water less than 70°F (21°C)		
Microwave (as part of cooking process)		
Cooked from Frozen State		
Other (describe)		

\*Frozen foods: approximately one inch or less = thin, and more than an inch= thick

**COOKING:**

N/A

1. Will food thermometers be used to measure final cooking/reheating temperatures of PHF's? YES / NO
2. What style of temperature measuring device will be used:\_\_\_\_\_
3. When will food product thermometers be calibrated\_\_\_\_\_
4. What method will be used for calibration: \_\_\_\_\_
5. List cooking equipment:\_\_\_\_\_

**HOT/COLD HOLDING:**

N/A

1. How will hot PHF's be maintained at 140°F (60°C) or above during holding for service? Indicate the type and number of hot holding units.\_\_\_\_\_
2. How will cold PHF's be maintained at 41°F or below during holding for service? Indicate the type and number of cold holding units. \_\_\_\_\_

**COOLING:**

N/A

Indicate by checking the appropriate boxes how PHF's will be cooled to 41°F (5°C) within 6 hours (140°F to 70°F in 2 hours and 70°F to 41°F in 4 hours). Also, indicate where the cooling will take place.

Cooling Method	Thick Meats	Thin Meats	Thin Soups/ Gravy	Thick Soups/ Gravy	Rice/ Noodles
Shallow Pans					
Ice Baths					
Reduce Volume or Size					
Rapid Chill					
Other (describe)					

**REHEATING:**

1. How will PHF's that are cooked, cooled, and reheated for hot holding be reheated so that all parts of the food reach a temperature of at least 165°F for 15 seconds. Indicate type and number of units used for reheating foods. \_\_\_\_\_

N/A

2. How will reheating food to 165°F for hot holding be done rapidly and within 2 hours? \_\_\_\_\_

**PREPARATION:**

1. List foods prepared more than 12 hours in advance of service.

Lozenges and chocolates

2. Will food employees be trained in good food safety practices?

YES / NO

Number (s) of employees: The manager of the MIPs kitchen in Fitchburg will be a certified food manager, and the other MIPs kitchen employees will be trained on good  
Dates of completion: food safety practices before commencing kitchen operations.

3. How will this establishment prevent bare-hand contact with ready-to-eat foods?

All edible MIPs will be pre-packaged when they arrive at the Arlington dispensary from the Fitchburg facility, which will ensure that no dispensary agents will be touching any edible products dispensed to patients with their bare hands. If the packaging of any edible MIPs breaks, the product will be securely stored in the secure storage area and transported back to the Fitchburg facility for proper disposal in compliance with DPH Regulations.

4. **EFFECTIVE OCTOBER 1, 2010**

Will the Allergen Awareness poster be displayed in the employee work area?

Poster can be found at: <http://www.foodallergy.org/page/restaurant-poster>.

☒ YES ☐ NO

5. Is there a written policy to exclude or restrict food workers who are sick or have infected cuts and lesions?

☒ YES ☐ NO

Describe briefly:

All edible products in the Arlington dispensary will be prepackaged. No dispensary agents will be touching any edible products with their bare hands. All dispensary agents will wash their hands using the hand wash sink the dispensary. In Fitchburg, where the edible MIPs are produced, all agents working in the MIPs kitchen will wear food grade disposable gloves when handling marijuana and in the processing of MIPs. Employees who are sick or have infections will not be allowed to participate in MIPs production.

6. Will ingredients for cold ready-to-eat foods such as tuna, mayonnaise and eggs for salads and sandwiches be pre-chilled before being mixed and/or assembled?

YES / NO    N/A

If not, how will ready-to-eat foods be cooled to 41°F?

\_\_\_\_\_  
\_\_\_\_\_

7. Will all produce be washed on-site prior to use?  
Is there a location planned for washing produce?

YES / NO    YES / NO    N/A

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Describe the procedure for minimizing the length of time PHF's will be kept in the temperature danger zone (41°F- 140°F) during preparation.

N/A

\_\_\_\_\_  
\_\_\_\_\_

**FINISH SCHEDULE**

Indicate which materials (quarry tile, stainless steel, 4" plastic coved molding, etc.) will be used in the following areas:

	Floor	Coving	Walls	Ceiling	
Kitchen					N/A
Bar					N/A
Food storage	Concrete	4" rubber cove base	3.5" metal stud, AMICO security mesh, two layers of 5/8" gypsum board on each side	Maximum security level AMICO steel mesh panels	
Other storage					N/A
Bathrooms					N/A
Dressing rooms					N/A
Ware washing					N/A
Walk-in refrigerators & freezers					N/A
Other- describe					

**INSECT AND RODENT CONTROL**

Please check the appropriate boxes and answer questions as necessary.

	YES	NO	NA
1. Will all outside doors be self-closing and rodent proof?	X		
2. Are all screen doors provided on all entrances left open to the outside?			X
3. Do all openable windows have a minimum of #16 mesh screening?	X		
4. Is the placement of electrocution devices identified on the plan?			X
5. Will all pipes & electrical conduit chases be sealed; ventilation systems exhausts and intakes protected?			X
6. Is the area around the building clear of unnecessary brush, liter, boxes and other harborage?	X		
7. Will air curtains be used? If yes, where? _____			X

Provide the name of pest control company to be used at this establishment: \_\_\_\_\_  
 Apothca plans to use Truly Nolen, Inc or a similar company \_\_\_\_\_



**GARBAGE AND REFUSE**

INSIDE	YES	NO	NA
1. Do all containers have lids?	X		
2. Will refuse be stored inside? If so, where _____ <small>Marijuana waste will be stored inside the secure storage area before being transported back to Fitchburg.</small>	X		
3. Is there an area designated for garbage can or floor mat cleaning?		X	
OUTSIDE			
4. Will a dumpster be used? Number _____ Size _____ Frequency of pick up _____ Contractor _____		X	
5. Will garbage cans be stored outside?	X		

6. Describe surface and location where dumpster/compactor/garbage cans are to be stored  
The building's dumpster is located at the left rear corner of the building. See the Site Plan in Appendix H.

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7. Describe the location of grease storage receptacles

N/A

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8. Is there an area to store recycled containers? \_\_\_\_\_

N/A

---

Indicate what materials are required to be recycled:

( ) Glass      ( ) Metal      ( ) Paper      ( ) Cardboard      ( ) Plastic

9. Is there an area to store returnable damaged goods?

YES NO

**PLUMBING CONNECTIONS**

	<b>Air Gap</b>	<b>Air Break</b>	<b>Integral Trap</b>	<b>“P” Trap</b>	<b>Vacuum Breaker</b>	<b>Condensate Pump</b>
<b>Toilet</b>						
<b>Urinals</b>						
<b>Dishwasher</b>						
<b>Garbage Grinder</b>						
<b>Ice Machine</b>						
<b>Ice Storage Bin</b>						
<b>Mop Sink</b>						
<b>Janitor Sink</b>						
<b>Hand Wash Sink</b>	X	N/A	N/A	N/A	N/A	N/A
<b>3 Compartment Sink</b>						
<b>2 Compartment Sink</b>						
<b>1 Compartment Sink</b>						
<b>Water station</b>						
<b>Steam tables</b>						
<b>Dipper wells</b>						
<b>Refrigeration Condensate/ Drain lines</b>						
<b>Hose Connection</b>						
<b>Potato Peeler</b>						
<b>Beverage Dispenser w/ Carbonator</b>						
<b>Other</b>						

\*NOTE: There will only be a hand wash sink, and it will not be used for food prep.

1. Are easily cleanable floor drains provided? If so, indicate location(s):  
No,

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### **WATER SUPPLY**

1. Is water supply public (X) or private ( )?
2. If private, has source been approved? YES / NO N/A  
Please attach copy of written approval and/or permit.
3. Is ice made on premises ( ) or purchased commercially ( )? YES / NO N/A  
If made on premise, are specifications for the ice machine provided?  
Describe location for ice scoop storage: \_\_\_\_\_

### **SEWAGE DISPOSAL**

1. Is the building connected to municipal sewer? YES / NO
2. If no, is private disposal system approved? YES / NO N/A  
Please attach copy of written approval and/or permit.
3. Are grease traps provided? YES / NO N/A  
If so, where? \_\_\_\_\_  
Provide a schedule for cleaning & maintenance \_\_\_\_\_  
Location for grease storage after cleaning \_\_\_\_\_  
Name of offal hauler \_\_\_\_\_

### **DRESSING ROOMS**

1. Are dressing rooms provided? YES / NO
2. Describe storage facilities for employees' personal belongings (i.e., purse, coats, boots, umbrellas, etc.): \_Employees' personal belongings will be kept in Room 110 (see floor plan), which is a Limited Access Area requiring a key card for entry \_\_\_\_\_

### **GENERAL**

1. Are insecticides stored separately from cleaning & sanitizing agents? YES / NO N/A  
Indicate location: \_\_\_\_\_
2. Are all toxics for use on the premise or for retail sale (including personal medications), stored away from food preparation and storage areas? YES / NO N/A
3. Are all containers of toxics including sanitizing spray bottles clearly labeled? YES / NO N/A
4. Will linens be laundered on site? YES / NO N/A  
If yes, what will be laundered and where? \_\_\_\_\_  
\_\_\_\_\_  
If no, how will linens be cleaned? \_\_\_\_\_  
\_\_\_\_\_

5. Is a laundry dryer provided? YES / NO N/A

6. Location of clean linen storage: \_\_\_\_\_ N/A

7. Location of dirty linen storage: \_\_\_\_\_ N/A

8. Are food-grade containers provided to store bulk food products? YES / NO N/A

Indicate type \_\_\_\_\_  
\_\_\_\_\_

9. Indicate all areas where exhaust hoods are installed: N/A

Location	Filters &/or Extraction Devices	Square Feet	Fire Protection	Air Capacity CFM	Air Makeup CFM

10. How is each listed ventilation hood system cleaned? \_\_\_\_\_ N/A  
\_\_\_\_\_

11. Provide name of professional ventilation cleaning company who will inspect and clean ventilation system at least every 6 months: N/A  
\_\_\_\_\_

### **SINKS**

1. Is a mop sink present? YES

2. If no, please describe facility for cleaning of mops and other equipment:  
\_\_\_\_\_  
\_\_\_\_\_

3. If the menu dictates, is a food preparation sink present? YES / NO N/A

### **DISHWASHING FACILITIES**

1. Will sinks or a dishwasher be used for ware washing? N/A  
Dishwasher ( )

Three compartment sink ( )

2. Type of sanitation used in dishwasher?

Hot water (temp. provided) \_\_\_\_\_

Booster heater \_\_\_\_\_ N/A

Chemical type \_\_\_\_\_

3. Is ventilation provided?	YES / NO	N/A
4. Do all dishwashers have template with operating instructions?	YES / NO	N/A
5. Do all dishwashers have accurate temperature / pressure gauges as required?	YES / NO	N/A
6. Does the largest pot and pan fit into each compartment of the pot sink? If no, what is the procedure for manual cleaning and sanitizing?	YES/ NO	N/A
<hr/>		
7. Are there drain boards on both ends of the pot sink?	YES / NO	N/A
8. What type of sanitizer is used for food contact surfaces? Chlorine ( ) Hot Water ( ) Iodine ( ) Other ( ) Quaternary ammonium ( )		N/A
9. Are test papers and/or kits available for checking sanitizer concentration?	YES / NO	N/A

#### **HAND WASHING / TOILET FACILITIES**

1. Is there a hand washing sink in each food preparation and ware-washing area?	YES / NO	N/A
2. Do all hand washing sinks, including those in the restrooms, have a mixing valve or combination faucet?	<u>YES</u> / NO	
3. Do self-closing metering faucets provide a flow of water for at least 15 seconds without the need to reactivate the faucet?	YES / NO	N/A
4. Is a hand cleanser available at all hand-washing sinks?	<u>YES</u> / NO	
5. Are hand-drying facilities (paper towels, air blowers, etc.) available at all hand-washing sinks?	<u>YES</u> / NO	
6. Are covered waste receptacles available in each restroom?	<u>YES</u> / NO	
7. Is hot and cold running water under pressure available at each hand-washing sink?	<u>YES</u> / NO	
8. Are all bathroom doors self- closing?	<u>YES</u> / NO	
9. Are all bathrooms equipped with adequate ventilation?	<u>YES</u> / NO	
10. Is a hand washing sign posted at all hand washing sinks?	<u>YES</u> / NO	

**SMALL EQUIPMENT REQUIREMENTS**

1. Specify the number, location, and types of each of the following:

N/A

Slicers: \_\_\_\_\_

Cutting Boards: \_\_\_\_\_

Can Openers: \_\_\_\_\_

Mixers: \_\_\_\_\_

Floor mats: \_\_\_\_\_

Other: \_\_\_\_\_

-----  
Statement: I hereby certify that the above information is correct, and I fully understand that any deviation from the above without prior permission from the Office may void Plan Review Application approval.

  
\_\_\_\_\_  
Owner

1/16/2020

\_\_\_\_\_  
Date

N/A

\_\_\_\_\_  
Consultant

N/A

\_\_\_\_\_  
Date

**Please attach contact information and proof of a current REHS/RS or CP-FS credential for consultant reviewing Plan Review Application as necessitated by the enclosed policy.**

Approval of this Plan Review Application by the Arlington Board of Health does not indicate compliance with any other local, State or Federal code, law, or regulation that may be required. Further, it does not constitute endorsement or acceptance of the completed establishment as constructed and equipped. A pre-operational inspection of the establishment will be conducted prior to operation to determine compliance with local and State laws governing food service establishments. **Pre-operational inspections must be scheduled at least 7 days in advance.**

## **Transportation of Marijuana**

### **General Overview**

Apothca, Inc. (“APOTHCA”) will ensure that all transported marijuana and products are properly tracked through BioTrackThc. APOTHCA will properly track and label all seeds and clones in the form and manner deemed acceptable by the Commission. APOTHCA will only transport marijuana from its licensed facilities to other licensed Marijuana Establishments as permitted by APOTHCA’s license.

There will be no advertising, marketing or branding, including, but not limited to, vinyl-wrapped vehicles, signs, logos or markings, indicating that the vehicle is being used to transport marijuana on transportation vehicles or company cars.

In the event that any marijuana product is undeliverable or refused by the destination, APOTHCA will ensure that it will be transported back to APOTHCA’s originating facility.

APOTHCA will staff all vehicles transporting marijuana and marijuana products with at least two APOTHCA agents, one of whom will remain in the vehicle at all times that the vehicle contains marijuana or marijuana products. Prior to departing the premises to transport marijuana products, APOTHCA will make a video record of weighing, inventorying, and accounting for all marijuana products to be transported.

When receiving transported marijuana, within eight hours after arrival, APOTHCA will re-weigh, re-inventory, and account for, on video, all marijuana and marijuana products received. When videotaping the weighing, inventorying, and accounting of marijuana and marijuana products before transportation or after receipt, APOTHCA will ensure that the video shows each product being weighed, the weight, and the manifest.

Prior to departure from its facility, APOTHCA will package marijuana and marijuana products in sealed, labeled, and tamper-resistant or child-resistant packaging, and ensure that marijuana and marijuana products remain as such during transportation.

All vehicles and transportation equipment used in the transportation of marijuana products requiring temperature control for safety must be designed, maintained, and equipped as necessary to provide adequate temperature control to prevent the marijuana or marijuana products from becoming unsafe during transportation, consistent with applicable requirements pursuant to 21 CFR 1.908(c). Any vehicle used to transport marijuana or marijuana products will be owned or leased by APOTHCA or a marijuana transporter, will be properly registered, inspected and insured in the Commonwealth, and equipped with an alarm system.

In the case of an emergency stop during the transportation of marijuana or marijuana products, APOTHCA will maintain a log describing the reason for the stop, the duration of the stop, the location of the stop, and any activities of its personnel exiting the vehicle.

APOTHCA will ensure that all routes used for the transportation of marijuana or marijuana products are randomized and remain within the Commonwealth.

### Storage Requirements

APOTHCA will transport marijuana and marijuana products in secure, locked storage compartments that are a part of the vehicle transporting the marijuana products and cannot be easily removed. Storage and transportation of finished products will be under conditions that will protect them against physical, chemical, and microbial contamination, while also protecting against deterioration of finished products or their containers. Marijuana and marijuana products will not be visible from the outside of the vehicle.

If and when APOTHCA transports marijuana or marijuana products to more than one Marijuana Establishment at a time, the marijuana and marijuana products for each marijuana establishment will be kept in a separate locked storage compartment during transportation, and separate manifests will be maintained for each marijuana establishment. If and when APOTHCA is transporting marijuana and marijuana products to multiple marijuana establishments, APOTHCA will obtain permission from the Commission to adopt reasonable alternative safeguards. When transporting marijuana and marijuana products, no other products will be transported or stored in the vehicle nor will firearms be located in the vehicle or on transporting agents.

### Communications

Any vehicle used by APOTHCA to transport marijuana and marijuana products will contain a global positioning system (GPS) monitoring device that is: 1) not a mobile device that is easily removable; 2) attached to the vehicle at all times that the vehicle contains marijuana and marijuana products; and 3) monitored by APOTHCA during transport of marijuana and marijuana products. APOTHCA will obtain an inspection from the Commission prior to initial transportation of marijuana and marijuana products and after any alteration to the locked storage compartment.

Each APOTHCA agent transporting marijuana products will have access to a secure form of communication with personnel at APOTHCA at all times that the vehicle contains marijuana and marijuana products. APOTHCA will utilize either two-way digital or analog radio, cellular phones, or satellite phones for these purposes dependent upon the transportation area, base capabilities, cellular signal coverage, antenna coverage, and frequency of transportation.



Prior to and immediately after leaving APOTHCA premises, APOTHCA agents will be required to use a secure form of communication to contact agents at the APOTHCA facility to test communications and GPS operability. In the event that communications or the GPS system fail while on route, the APOTHCA agents transporting marijuana or marijuana products must return to the originating APOTHCA location until the communication system or GPS system is once again operational.

Marijuana establishment agents transporting marijuana or marijuana products will be required to contact the APOTHCA facility when stopping at and leaving any scheduled location, and regularly throughout the trip, at least every 30 minutes.

APOTHCA will ensure that there is an APOTHCA agent assigned to monitoring the GPS unit and secure form of communication, who will be required to log all official communications with marijuana establishment agents transporting marijuana products. All manifests used in the transportation of marijuana will be filled out by APOTHCA agents in triplicate, with the original manifest remaining with APOTHCA, a second copy provided to the destination marijuana establishment upon arrival, and a copy to be kept with the APOTHCA agent during transportation and returned to the marijuana establishment or marijuana transporter upon completion of the transportation. APOTHCA will securely transmit the manifest to the destination marijuana establishment via facsimile or email prior to departure.

Upon arrival at the destination marijuana establishment, APOTHCA's agents will compare the manifest produced by APOTHCA's agent and the copy transmitted by facsimile or email to the destination marijuana establishment. Each manifest will include, at a minimum, the originating marijuana establishment name, address, and registration number; the names and registration numbers of the agents who transported the marijuana products; the name and registration number of the marijuana establishment agent who prepared the manifest; the destination marijuana establishment name, address, and registration number; a description of the marijuana and marijuana products being transported, including the weight and form or type of the product; the mileage of the transporting vehicle at departure from APOTHCA and mileage upon arrival at destination marijuana establishment, as well as mileage upon return to APOTHCA; the date and time of departure from APOTHCA and arrival at destination marijuana establishment for each transportation; a signature line for the marijuana establishment agent who receives the marijuana products; the weight and inventory before departure and upon receipt; the date and time that the transported products were re-weighed and re-inventoried; the name of the marijuana establishment agent at the destination marijuana establishment who re-weighed and re-inventoried products; and the vehicle make, model, and license plate number.

APOTHCA will maintain the manifest inside of its vehicle throughout the entire transportation process until delivery is complete. All transportation manifests will be retained by APOTHCA for a minimum of one year and will be available for inspection by the Commission upon request.

Should any unusual discrepancy occur in weight or inventory, APOTHCA agents will document and report the discrepancy to the Commission and law enforcement authorities not more than 24 hours after the discovery of such a discrepancy. APOTHCA agents will report to the Commission and law enforcement authorities any vehicle accidents, diversions, losses, or other reportable incidents that occur during transport, not more than 24 hours after such accidents, diversions, losses, or other reportable incidents.

Each agent transporting or otherwise handling marijuana or marijuana products for APOTHCA will be registered as a marijuana establishment agent and have a driver's license in good standing issued by the Massachusetts Registry of Motor Vehicles for all classes of vehicle the marijuana establishment agent will operate for APOTHCA prior to transporting or otherwise handling APOTHCA's marijuana or marijuana products.

All APOTHCA agents will carry their registration cards at all times when transporting marijuana or marijuana products for APOTHCA and will produce their registration card to the Commission or law enforcement officials upon request. APOTHCA will use best management practices to reduce energy and water usage, engage in energy conservation, and mitigate other environmental impacts wherever possible.

Representatives of the Commission, other Commonwealth agencies, and emergency responders responding in the course of an emergency will have access to all APOTHCA transportation vehicles as necessary.

## **Maintaining of Financial Records**

Apothca, Inc.'s ("APOTHCA") operating policies and procedures ensure financial records are accurate and maintained in compliance with the Commission's Adult Use of Marijuana regulations (935 CMR 500). Financial records maintenance measures include policies and procedures requiring that:

- Confidential information will be maintained in a secure location, kept separate from all other records, and will not be disclosed without the written consent of the individual to whom the information applies, or as required under law or pursuant to an order from a court of competent jurisdiction; provided however, the Commission may access this information to carry out its official duties.
- All recordkeeping requirements under 935 CMR 500.105(9) are followed, including:
  - Keeping written business records, available for inspection, and in accordance with generally accepted accounting principles, which will include manual or computerized records of:
    - Assets and liabilities;
    - Monetary transactions;
    - Books of accounts, which will include journals, ledgers, and supporting documents, agreements, checks, invoices, and vouchers;
    - Sales records including the quantity, form, and cost of marijuana products; and
    - Salary and wages paid to each employee and any executive compensation, bonus, benefit, or item of value paid to any individual affiliated with a marijuana establishment, including members, if any.
- All sales recording requirements under 935 CMR 500.140(6) are followed, including:
  - Utilizing a point-of-sale (POS) system approved by the Commission, in consultation with the DOR, and a sales recording module approved by DOR;
  - Conducting a monthly analysis of its equipment and sales data, and maintaining records, available to the Commission upon request, that the monthly analysis has been performed;
  - Complying with 830 CMR 62C.25.1: *Record Retention* and DOR Directive 16-1 regarding recordkeeping requirements;
  - Adopting separate accounting practices at the point-of-sale for marijuana and marijuana product sales, and non-marijuana sales;
  - Maintaining such records that would allow for the Commission and the DOR to audit and examine the point-of-sale system used in order to ensure compliance with Massachusetts tax laws and 935 CMR 500; and
  - If colocated with a medical marijuana treatment center, maintaining and providing the Commission on a biannual basis accurate sales data collected by the licensee during the six months immediately preceding this application for the purpose of

ensuring an adequate supply of marijuana and marijuana products under 935 CMR 500.140(10).

- Additional written business records will be kept, including, but not limited to, records of:
  - Compliance with liability insurance coverage or maintenance of escrow requirements under 935 CMR 500.105(10) and all bond or escrow requirements under 935 CMR 500.105(16);
  - Fees paid under 935 CMR 500.005 or any other section of the Commission's regulations; and

Fines or penalties, if any, paid under 935 CMR 500.550 or any other section of the Commission's regulations.



## **PATIENT HANDBOOK<sup>1</sup>**

### **VISION AND MISSION**

Apothca, Inc. (“Apothca”) was founded in 2015 with the goal of providing consistent, high quality medical marijuana to the patients of Massachusetts in a safe and welcoming environment. Apothca’s vision is to create a sophisticated medical marijuana experience for patients, using cutting edge technologies from the retail, healthcare, and agricultural industries. Apothca is a mission-oriented organization with the objective of partnering with the local community, medical and advocacy associations, and patient support groups to supply medicine to patients suffering from serious medical conditions while also giving back to the community.

### **THE MASSACHUSETTS MEDICAL USE OF MARIJUANA PROGRAM**

In 2012, Massachusetts voters passed Ballot Question 3, resulting in the adoption of Chapter 369 of the Acts of 2012, allowing certifying physicians to recommend cannabis for a broad set of qualifying conditions and establishing a regulatory system overseen by the Department of Public Health (“DPH”) for vertically-integrated medical marijuana businesses known interchangeably as Medical Marijuana Treatment Centers or Registered Marijuana Dispensaries (“RMDs”). The original laws for the Medical Use of Marijuana Program, Ch. 369 and 105 CMR 725.000, have since been revised and replaced by Ch. 94I and 935 CMR 501.000 respectively, although the underlying Medical Use of Marijuana Program remains intact and is currently overseen by the Cannabis Control Commission.

Patients must be certified by a qualifying physician and registered with the Medical Use of Marijuana Program prior to purchasing at a dispensary. Home cultivation is only permitted for personal use and with a hardship cultivation registration. Marijuana consumption is not permitted

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<sup>1</sup> Apothca does not provide medical advice or make any claims regarding marijuana’s safety or efficacy as a result of the lack of substantial scientific evidence or clinical data. The information included in this handbook is based on information provided from patients and various sources but should not be construed as claiming the efficacy and safety of marijuana. This handbook is solely for informational purposes and should not serve as a substitute for professional medical advice. Patients should always contact a qualified medical professional for advice on any medical conditions.

in public, and patients are not allowed to leave Massachusetts with their marijuana. For additional information on the Medical Use of Marijuana Program, visit <https://www.mass.gov/orgs/medical-use-of-marijuana-program>.

## PATIENT REGISTRATION PROCESS

In order to become a registered, qualifying patient with the Medical Use of Marijuana Program, individuals must first complete the following patient registration process:

- Prospective patients must first meet with a certifying physician for an evaluation to determine if they meet the requirements to be certified for the medical use of marijuana.
- The initial visit with the certifying physician is generally not covered by insurance.
- Prospective patients will need to bring relevant medical records for their visit, and after a consultation, the certifying physician will determine whether or not to certify the prospective patient as a qualifying patient. During the consultation, there will be ample time to ask questions to determine if medical marijuana is the right option.
- Once the prospective patient is certified, the certifying physician's office will initiate the registration process, and the Medical Use of Marijuana Program will contact the prospective patient to complete registration with the Medical Use of Marijuana Program. When the registration is approved, a registered patient will receive a Medical Use of Marijuana Program ID Card.
- The certification needs to be renewed annually, so patients will need to set follow up appointments with their doctors. Patients must also pay a \$50 annual registration fee to the state.
- Registered, qualifying patients must next register with the dispensary by filling out new member and acknowledgments forms (See Attachment #1 for the Patient Acknowledgements Form). Patients will need a valid government issued photo ID and the Medical Use of Marijuana Program ID Card to access the dispensary.
- During the registration process, patients will also have the opportunity to designate a caregiver. The caregiver will need to complete a similar registration with Medical Use of Marijuana Program and will receive a Caregiver Card from the Medical Use of Marijuana Program.
- For additional information about the Medical Use of Marijuana program and patient registration, visit <https://www.mass.gov/patients-of-the-medical-use-of-marijuana-program>

## SCIENCE BEHIND MARIJUANA

Although the federal prohibition of marijuana has limited clinical research on the safety and efficacy of marijuana, there are a number of informative resources available to help patients understand the science behind medical marijuana and the ways it has reportedly helped patients suffering from serious medical conditions:

- Americans for Safe Access has compiled a large number of scientific and scholarly articles and summarized current research on the potential health benefits of medical marijuana in the report entitled "Report on Medical Marijuana Research History: What the

Science Says”, which can be found here:

[https://www.safeaccessnow.org/medical\\_cannabis\\_research\\_what\\_does\\_the\\_evidence\\_say](https://www.safeaccessnow.org/medical_cannabis_research_what_does_the_evidence_say)

- Other helpful, scientific resources include:
  - American Academy of Cannabinoid Medicine: Organization of clinicians & researchers supporting the use of medical marijuana. Provides education to medical professionals and the public on cannabinoids and the endocannabinoid system: <https://aacmsite.org/>
  - Health Canada: Information for Health Care Professionals – Cannabis and the Cannabinoids: “Health Canada MMJ Info HC Professionals.” Focuses on helping medical professionals appropriately recommend marijuana and provides an overview of science and research, dosing, potential uses and possible adverse effects: [http://www.hc-sc.gc.ca/dhp-mps/alt\\_formats/pdf/marihuana/med/infoprof-eng.pdf](http://www.hc-sc.gc.ca/dhp-mps/alt_formats/pdf/marihuana/med/infoprof-eng.pdf)
  - Project CBD: Updates doctors and patients on developments in cannabinoid science and therapeutics. Supports further research and developments on cannabinoid medicines: <https://www.projectcbd.org/>
  - National Organization for the Reform of Marijuana Laws (NORML): Advocacy organization supporting the reform of marijuana laws. Includes a compilation of the recent research supporting medical marijuana use for a variety of identified conditions: <https://norml.org/library/recent-research-on-medical-marijuana>
  - Marijuana Policy Project: Advocacy organization supporting marijuana policy reform. Provides information supporting the use of medical marijuana, including research briefings, effective arguments, legislative overviews, and federal policy: <https://www.mpp.org/issues/medical-marijuana/>

## OVERVIEW OF MEDICAL MARIJUANA STRAINS AND CANNABINOIDS

The documented use of marijuana for therapeutic purposes dates back thousands of years. Medical marijuana comes in many different forms such as dried flower, oils, tinctures, topicals, and marijuana infused products (“MIPs”) in edible or concentrate form. Each strain of marijuana contains different types of cannabinoids with varying effects. Apothca offers several different strains of marijuana to accommodate the needs of every patient.

The marijuana plant is typically classified into four groups for medical use: Sativa, Indica, Hybrid, and Cannabidiol (“CBD”). Each group is made up of a variety of strains, all with different cannabinoid makeups or profiles:

- Sativas are reported to increase energy and appetite while also elevating the patient’s mood and focus. It is generally recommended for daytime use.
- Indicas are reported to promote relaxation as well as reduce anxiety and promote sleep. Indicas are usually recommended for evening use.
- Hybrids strains are produced when cultivators cross-breed different indica and sativa strains to maintain the desired traits and breed out the undesired to meet specific needs.

- The first cannabinoid to be identified was Tetrahydrocannabinol (“THC”), which is known to produce psychoactive effects or the feeling of being “high.” It is generally used to relieve pain, reduce vomiting and nausea, reduce inflammation, aid sleep, reduce muscle spasms, relieve anxiety, and stimulate the patient’s appetite.
- Cannabidiol (“CBD”) is another cannabinoid with varying medical benefits that produces very little to no psychoactive effects or “high.” Reported therapeutic uses include pain relief, killing or slowing bacteria growth, reducing blood sugar levels, reducing seizures, relieving anxiety, and inhibiting tumor and cancer growth.
- Other cannabinoids such as Cannabichromene (“CBC”), Cannabigerol (“CBG”), Cannabinol (“CBN”), Tetrahydrocannabinolic Acid (“THCA”), and Tetrahydrocannabivarin (“THCV”) are reported to have therapeutic benefits as well. Some of these benefits include suppression of appetite, aiding sleep, reducing risk of artery blockage, nervous system protectants, suppressing muscle spasms, modulating the immune system, and relieving pain.

## PRODUCTS OFFERED

Apothca offers a broad range of products and is constantly updating its selection. Apothca’s daily menu will be made available online. Below is a description of the various medical marijuana products that will be offered at Apothca’s dispensary locations:

- **Marijuana Flower for Smoking and Vaporizing**
  - Varieties: Apothca will offer a wide variety of marijuana strains and products for registered patients to alleviate symptoms associated with debilitating medical conditions. Strains will be consistently available and reviewed on an ongoing basis based on feedback from patients and newly published medical studies.
  - Reasoning: Studies are limited as to exactly which varieties treat which conditions. Apothca will amend selections as more concrete data emerges and as patients express interest in particular strains.
- **Marijuana Infused Products (MIPs)**
  - Varieties: Edible products will be offered, such as chocolates and lozenges. Pills will be available and made from dried medical marijuana flowers or an infused glycerin gel. All edibles will be produced in the Apothca’s MIPs kitchen and will be packaged and labeled pursuant to Medical Use of Marijuana Program and Apothca requirements.
  - Reasoning: MIPs provide an alternative method for consuming medical marijuana. MIPs are an attractive alternative for patients who are unwilling to smoke as they do not irritate the throat. In many cases, MIPs offer a longer lasting therapeutic effect.
- **Tinctures**
  - Varieties: Tinctures are liquids, usually vegetable glycerin, which have been infused with marijuana over a period of time (anywhere from 30-180 days).



The marijuana is strained from the liquid and then administered to the patient using an eyedropper to place the liquid under the tongue.

- Reasoning: Tinctures are easy to administer, discreet, and are not intimidating for elderly patients or patients who have difficulty swallowing. Doses are easily measured and tend to be more consistent than edibles. Tinctures do not negatively impact the lungs.

- **Topicals**

- Varieties: Ointments, sprays, lotions, transdermal patches and balms that are beneficial for treating acute pain in different regions of the body.
- Reasoning: Topicals have a delayed onset effect but can last for up to eight (8) hours for some patients. Topical treatments do not have any known negative effects on the lungs or throat. Lotions appeal to elderly patients who are used to using lotions to treat arthritis or acute pain. Topical marijuana treatments generally have no psychoactive effect or “high,” but rather only a therapeutic effect on the patient’s specific condition.

- **Concentrates**

- Varieties: Hash, oils, and waxes designed for patients who prefer to smoke or vaporize small amounts of highly concentrated medical marijuana to receive the complete effect.
- Reasoning: Concentrates are useful for patients with conditions that impact their ability to swallow medical marijuana. Concentrates allow for a fast onset without the need to smoking excessive amounts of medical marijuana.

- **Paraphernalia**

- Varieties: Classic vaporizers, portable vaporizers, vaporizer pens, volcano vaporizers, digital vaporizers, water pipes, smoking pipes, and rolling papers.
- Reasoning: Different forms of medical marijuana require different paraphernalia for consumption and use. Because some medical conditions limit a patient’s ability to consume and use marijuana, Apothca will offer a wide range of options allowing patients to determine the consumption method that meet individual needs.

- **Related Supplies**

- Varieties: Grinders, scales, rolling machines, rolling trays, rolling boxes, rolling mats, filters, flavoring for flowers, cleaning accessories, lighters, vaporizer replacement parts, air fresheners, air purifiers, storage jars, lock boxes and other secure or inconspicuous containers for storage of medical marijuana.
- Reasoning: These supplies will assist patients with the storage, consumption, rationing, titration, and dosing of the various forms of medical marijuana. Medical marijuana container and storage supplies will ensure that the patient’s medical marijuana is stored safely and securely.

## METHODS FOR ADMINISTRATION

There are many different ways to administer medical marijuana to achieve a desired effect, and there are a number of factors that impact the effects felt by each patient. Marijuana is generally inhaled by smoking or vaping, or ingested orally in the form of tinctures, oils, edibles, or can be applied topically.

- Smoking medical marijuana is the most popular consumption method and has the quickest effect. As the user inhales, the cannabinoids are introduced into the bloodstream, having an almost instant effect. The effects can last anywhere from ninety (90) minutes to several hours, and peak effects are usually felt after thirty (30) minutes. Vaporizing is an alternative way to inhaling medical marijuana. Rather than smoking, vaporizing or “vaping” involves heating the marijuana flower or concentrates to a temperature that produces vapor without combustion. Vaping eliminates many of the harmful carcinogens and tars that are often present in smoke. After smoking or vaping medical marijuana, patients should wait at least thirty (30) minutes before increasing their dose.
- Ingesting medical marijuana is a popular administration method for patients who prefer not to smoke or vape and are looking for longer lasting effects. Usually, food products such as chocolates, lozenges, or capsules are infused with marijuana extracts that can be swallowed. These products are referred to as Marijuana Infused Products or “MIPs.” New users should start with a small dose (approximately five (5) to ten (10) mg) and wait two (2) hours before increasing the dosage. Patients should consult with their physicians regarding a proper marijuana dose for MIPs consumption.
- Some patients can achieve the desired effect of medical marijuana by topically applying infused products to their skin. With topicals, the medical marijuana is absorbed through the patient’s skin in order to achieve the desired effect. Often, topicals do not produce psychoactive effects or a “high” for patients.

## DOSAGE & LABELING

- Different products will vary in potency, cannabinoid profile, and effects. Patients should experiment to find the ideal dose for their desired effects and are encouraged to keep a log of consumption, methods, and effects. A patient’s tolerance will vary based on a variety of factors that including weight, body chemistry, and metabolism. All medical marijuana products will be lab tested and clearly labeled to ensure consistent dosing and packaging.
- When consuming MIPs, it is important for patients to wait the appropriate amount of time before consuming more to reach a desired effect. Patients should start with a low dose and should not increase it until they know the impact and the timing it takes to reach such impact. A common mistake with MIPs consumption is taking too high of an initial dose. Such mistakes can be avoided if patients “start low and go slow” and carefully monitor the effects.
- When consuming MIPs, it is recommended that patients do so on a full stomach in order to decrease the intensity of the effects. It is also recommended that medical marijuana should not be used in conjunction with alcohol or other drugs, and patients should not operate a vehicle or machinery while using medical marijuana. For women who are pregnant, there may be additional health risks associated with consumption of medical

marijuana. All patients should consult with their physicians about health and safety risks associated with using medical marijuana.

- The labels on medical marijuana products will outline the product's cannabinoid profile and dosage information. Patients should read the labels before purchasing and using medical marijuana to ensure they have the correct and desired products and doses. Patients should consult a dispensary agent if they have additional questions.

### SAMPLE MEDICAL MARIJUANA PRODUCT LABELS

#### FLOWER LABEL

Patient Information	<p>[RMD] – [Location] (###) ###-#### Registration #: ####</p> <p>Patient Name Lic # #####</p> <p>Test Flower Net Weight: 3.50gr (0.12oz)</p> <p>[RMD, Inc.] Address Line 1 Address Line 2 [RMD website]</p> <p>This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy or breast-feeding may pose potential harms. Do not drive or operate machinery when under the influence of this product. <b>KEEP THIS PRODUCT AWAY FROM CHILDREN.</b></p> <p>This product has been evaluated for environmental contamination (impurities) assuming that no more than 10 grams (0.35 ounces) of finished plant material (or the equivalent amount of concentrate) will be consumed per day.</p> <p>This product has been tested for contaminants in accordance with 935 CMR 501.105(3)(b). There were no adverse findings.</p> <p>Packaged On 6-21-17 Tested On 6-15-17</p> <table border="0"> <tr> <td><u>THC</u></td> <td>8%</td> <td><u>CBD</u></td> <td>0.5%</td> </tr> <tr> <td><u>THCA</u></td> <td>1%</td> <td><u>CBDA</u></td> <td>0.5%</td> </tr> </table>	<u>THC</u>	8%	<u>CBD</u>	0.5%	<u>THCA</u>	1%	<u>CBDA</u>	0.5%	Dispensary Location, Phone Number and RMD Registration Number
<u>THC</u>		8%	<u>CBD</u>	0.5%						
<u>THCA</u>		1%	<u>CBDA</u>	0.5%						
Amount of Marijuana Contained in the Package		Product/Strain Name								
RMD Address and Information		Unique Batch Number that Product Came From								
Amount of Cannabinoids Contained	Important Warnings									
	Dates the Product Was Packaged and Tested									

## EDIBLE MARIJUANA INFUSED PRODUCT (MIP) LABEL

Front Label																		
<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">RMD Address and Information</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Date of Sale of MIP at RMD</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Registered Patient Information</div> <div style="border: 1px solid black; padding: 2px;">Type of MIP and Strain Type</div>	<div style="border: 1px solid black; padding: 5px;"> <div style="display: flex; justify-content: space-between;"> <span><b>RMD, INC.</b></span> <span># XXX</span> </div> <div style="margin-top: 5px;">[ADDRESS]</div> <div style="margin-top: 5px;">TELEPHONE: (###) ### #### WEBSITE: [WEBSITE]</div> <div style="margin-top: 5px;">RECEIPT DATE: 06/25/17</div> <div style="margin-top: 5px;">PATIENT ID NO.: XXXXX</div> <div style="margin-top: 5px;">REGISTERED PATIENT NAME: DOE, JOHN</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px; background-color: #f0f0f0; padding: 5px;"> <span><b>CHOCOLATE HAZELNUT BAR – INDICA</b></span> <span><b>10mg</b></span> </div>	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">RMD Registration Number</div> <div style="border: 1px solid black; padding: 2px;">Total Active Cannabinoid Content</div>																
Back Label																		
<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Unique Batch Number that Product Came From</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Product Ingredients and Directions for Use</div> <div style="border: 1px solid black; padding: 2px;">Total Amount of Flower Equivalent Contained within the Product</div> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;">Statements and Warnings</div>	<div style="border: 1px solid black; padding: 5px;"> <div style="display: flex; justify-content: space-between;"> <span>BATCH <b>012345DMU</b></span> <span>PACKAGED ON 6/21/17</span> </div> <div style="display: flex; justify-content: space-between;"> <span></span> <span>USE BY 10/15/17</span> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 60%;"> <p><small>INGREDIENTS: THC OIL, 81% DARK CHOCOLATE, HAZELNUTS</small></p> <p><small>ALLERGY WARNING: CONTAINS NUTS</small></p> <p><small>DIRECTIONS: Consume half of the MIP. The effects of this MIP may be delayed for two or more hours. Adjust treatments accordingly.</small></p> </div> <div style="width: 35%;"> <table border="0"> <tr><td>THC</td><td>6mg</td></tr> <tr><td>THC-A</td><td>3mg</td></tr> <tr><td>CBD</td><td>0.2mg</td></tr> <tr><td>CBD-A</td><td>0.8mg</td></tr> <tr><td>CBC</td><td>0mg</td></tr> <tr><td>CBG</td><td>0mg</td></tr> <tr><td>CBN</td><td>0mg</td></tr> <tr><td>CBC</td><td>0mg</td></tr> </table> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px; background-color: #f0f0f0; padding: 2px;"> <span><small>FLOWER EQUIVALENT 0.0023 OZ</small></span> <span><small>TAC 10mg</small></span> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 45%;"> <p><small>THIS PRODUCT HAS BEEN TESTED FOR CONTAMINANTS IN ACCORDANCE WITH 935 CMR (501.105(3)(b))</small></p> </div> <div style="width: 50%;"> <p>TESTED <b>06/01/17</b></p> <p><small>There were no adverse findings.</small></p> </div> </div> <p><small>This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. Do not drive or operate machinery when under the influence of this product.</small></p> <p><b>KEEP THIS PRODUCT AWAY FROM CHILDREN.</b></p> <p><small>This product has been evaluated for environmental contamination (impurities) assuming that no more than 10 grams (0.35 ounces) of finished plant material (or the equivalent amount of concentrate) will be consumed per day.</small></p> </div>	THC	6mg	THC-A	3mg	CBD	0.2mg	CBD-A	0.8mg	CBC	0mg	CBG	0mg	CBN	0mg	CBC	0mg	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Date the Product Was Packaged &amp; "Use By" Date</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Total Active Cannabinoid Breakdown</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Total Active Cannabinoid Content</div> <div style="border: 1px solid black; padding: 2px;">Date of Batch Testing and Result</div>
THC	6mg																	
THC-A	3mg																	
CBD	0.2mg																	
CBD-A	0.8mg																	
CBC	0mg																	
CBG	0mg																	
CBN	0mg																	
CBC	0mg																	

## SAFETY

- Medical marijuana products should be kept in their original childproof packaging and stored separately from other food.
- Always speak with a doctor before using medical marijuana, especially if the patient is using other medications.
- Patients have reported a variety of side effects associated with the use of medical marijuana including dry mouth, dizziness, paranoia, anxiety, slowed reactions times, and impaired motor skills. Side effects can vary for different patients.
- It is illegal to drive under the influence of marijuana (M.G.L. c.90, s.24).
- The use of medical marijuana and medical marijuana products is strictly prohibited on the premises of Apotheca.

- Medical marijuana should also be kept away from children and stored under lock and key to avoid accidental ingestion. Patients need to always be responsible about safe storage of medical marijuana and medical marijuana products.

## TOLERANCE & DEPENDENCE

- Physical dependence to medical marijuana has not been substantiated by extensive research, but frequent or heavy use of medical marijuana can lead to increased tolerance resulting in the need for higher doses and different strains. For additional information on tolerance, dependence and withdrawal, visit <https://drugabuse.com/marijuana-abuse/>.
- HelpGuide.org is a non-profit dedicated to improving mental and emotional health and provides resources to recognize abuse and addiction. HelpGuide provides a guide to common signs and symptoms of drug abuse and addiction.
- Drug abuse signs include neglect of responsibilities, using under dangerous conditions, legal trouble, and increased relationship problems.
- Addictions signs include increased tolerance, using drugs to avoid withdrawal, life revolves around drug use, abandonment of activities previously found to be enjoyable, extended use, and loss of control. For more information about substance abuse and addiction, visit <https://www.helpguide.org/articles/addictions/drug-abuse-and-addiction.htm>

## APOTHCA SERVICES

- **Staff and Resources.** Apothca's dispensary agents are trained, highly knowledgeable and available to answer questions and provide additional resources about the medical use of marijuana. We encourage patients to ask questions when they visit the dispensary, via telephone, and through our website.
- **Consultations.** While most patients will interact with Apothca's staff while purchasing their medical marijuana and medical marijuana products, Apothca also offers individual appointments for in-depth, one-on-one discussions about different products, uses, and their application. Dispensary agent are also available to explain to a patient how to use the products, however, please note that on-site consumption, even for demonstration purposes, is strictly prohibited on Apothca's premises.
- **Accommodation Services.** Apothca is committed to serving patients with special needs. Apothca offers interpreter services in several different languages, including for the visually- and hearing-impaired.
- **Financial Hardship.** Patients who are able to prove verified financial hardship will be offered sliding-scale discounted prices on products and accessories. Apothca will also offer discounts for veterans and patients with disabilities.

## PATIENT ACKNOWLEDGMENT FORM

By initialing next to each statement listed below, I acknowledge and agree to the following:

- I understand that my registration card only allows for the possession and use of medical marijuana within Massachusetts. \_\_\_\_\_
- I have not applied for, nor received, a hardship cultivation registration, and I understand that my registration card does not allow me to cultivate marijuana for any purpose. \_\_\_\_\_
- I will not engage in the diversion of marijuana, and I understand that fraudulent distribution or resale of medical marijuana is a felony punishable by up to five (5) years in prison. \_\_\_\_\_
- I understand marijuana has not been analyzed or approved by the FDA. \_\_\_\_\_
- I understand there is limited information on the side effects of marijuana. \_\_\_\_\_
- I understand there may be health risks associated with using marijuana, even for medicinal purposes. \_\_\_\_\_
- I understand marijuana should be kept away from children. \_\_\_\_\_
- I understand that driving under the influence of marijuana is illegal, and machinery should not be operated while using marijuana. \_\_\_\_\_
- I understand I may not distribute marijuana to any other individual, and must return unused, excess, or contaminated product(s) purchased at Apothca to an Apothca dispensary for disposal. \_\_\_\_\_
- I agree at all times to abide by Massachusetts law in regard to my use of medical marijuana, and hereby release and waive all claims against Apothca from any and all liability related to my use of medical marijuana. \_\_\_\_\_
- I agree not to bring any weapons into any of Apothca's facilities. \_\_\_\_\_
- I understand that Apothca may refuse to dispense medical marijuana to me if, in the opinion of the dispensary agent, the public or myself will be placed at risk by so doing. In this event I understand that my certifying physician will be notified within 24 hours. \_\_\_\_\_
- I have received the Apothca patient handbook. \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## STRAIN AND PRODUCT TRACKING

[illegible]

# **APOTHCA, INC.**

## **AGENT HANDBOOK**

<b>SECTION I – FEDERAL, STATE AND LOCAL REGULATIONS</b>	<b>3</b>
Americans with Disabilities Act (ADA)	3
Employment Eligibility	3
Equal Employment Opportunity	3
Family Medical Leave Act (FMLA)	4
Workers’ Compensation	5
<b>SECTION II – PERSONNEL POLICIES</b>	<b>6</b>
Agent Registration	6
Attendance	6
Dress Code	6
Drug Free Workplace	7
Employment on An At-Will Basis	7
Employment Classifications	7
Electronic Communications	8
Confidentiality and Proprietary Rights	9
Agent Privacy	11
Anti-Harassment Policy and Complaint Procedure	11
Occupational Safety Program	14
Patient Confidentiality	15
Agent/Personnel Records	16
Workplace Violence	16
Whistleblower Policy	17
<b>SECTION III – SALARY ADMINISTRATION</b>	<b>18</b>
Overtime Policy	18
Pay Procedures	18
Direct Deposit	18
<b>SECTION IV – BENEFITS</b>	<b>19</b>
Holidays	19
Leaves of Absence	19
Paid Time Off	23
<b>SECTION V – RESIGNATION AND TERMINATION</b>	<b>24</b>
Resignation and Termination Policies	24



Exit Interview	24
<b>AGENT ACKNOWLEDGEMENT FORM</b>	25

## **Company Background and Mission Statement**

Apothca MA, Inc. (“APOTHCA”) was founded with the goal of providing consistent, high quality medicine to the patients of Massachusetts in a safe and welcoming environment. APOTHCA’s vision is to create a sophisticated medical use of marijuana experience for patients, using cutting edge technologies from the retail, healthcare, and agricultural industries. APOTHCA is a mission-oriented organization with the objective of partnering with the local community, medical and advocacy associations, and patient support groups to supply medicine to patients suffering from serious medical conditions while also giving back to the community.

## **Introduction to Handbook**

It is our pleasure to issue to you a copy of our Agent Handbook containing information that will assist in answering your questions regarding our policies and benefits. Please do not hesitate to request clarification on any item which you do not understand.

The Company may alter or amend the policies and provisions contained in this handbook at any time, at its discretion. As changes or updates occur, we will let you know accordingly.

This handbook has been written to provide guidance and to help you get to know more about APOTHCA. Brief outlines of the benefits, salary plan, rules and regulations, etc. are contained herein for your review. For more detailed information on any of these subjects, please contact the Human Resources Manager.

**NOTE, THIS HANDBOOK IS NOT A CONTRACT. THE BENEFITS, POLICIES AND PROCEDURES OUTLINED IN THIS HANDBOOK ARE SUBJECT TO CHANGE AT ANY TIME, AT THE SOLE DISCRETION OF APOTHCA. THIS HANDBOOK DOES NOT MAKE ANY ENFORCEABLE PROMISES OR GUARANTEES.**

Notwithstanding any statements made in this handbook or any employment-related discussions, it is understood that all agents at APOTHCA are employed on an at-will basis and may resign or be terminated at any time.

## **SECTION I – FEDERAL, STATE AND LOCAL REGULATIONS**

### **Americans with Disabilities Act (ADA)**

APOTHCA is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring APOTHCA employment opportunities for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Reasonable accommodation is available to all agents qualifying under the ADA, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equality with respect to pay and other forms of compensation (or changes in compensation), job assignments, classifications, organizational structures, and position description. APOTHCA is also committed to not discriminating against any qualified applicants because they are related to or associated with a person with a disability. To the extent applicable, leave will be available to all qualified agents on an equal basis.

This policy is neither exhaustive nor exclusive. APOTHCA is committed to taking all actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

### **Employment Eligibility**

APOTHCA complies with all federal and state immigration laws and regulations and is committed to providing a workplace free from discrimination, including discrimination based on national origin or citizenship status. To meet these obligations, APOTHCA will verify employment eligibility for all new hires and re-verify such eligibility as required by law.

All new agents must complete and sign Section One of Federal Form I-9 at the time of hire. APOTHCA will furnish new agents with this form. Agents are required to provide APOTHCA with documentation of identity and employment eligibility within three (3) business days before their employment commences. APOTHCA will only accept identity and employment eligibility documents as listed on Form I-9 that appear to be genuine (e.g. United States passport; birth certificate, etc.). Please note that payroll cannot begin until Form I-9 is completed and submitted to APOTHCA.

### **Equal Employment Opportunity**

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at APOTHCA will be based on merit, qualifications, and abilities. APOTHCA does not discriminate on the basis of race, sex, color, age, national origin,

ancestry, sexual orientation, handicap, disability, genetic information, pregnancy, marital status, gender identity/expression, religion, creed, veteran's status, national guard or reserve unit obligations or other protected status. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any agents with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their manager. Agents can raise concerns and make reports without fear of reprisal. Anyone at the Company found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

### **Family Medical Leave Act (FMLA)**

APOTHCA provides family leaves of absence without pay to eligible agents who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child; or to care for a child, spouse, or parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a healthcare provider.

Agents in the following employment classifications are eligible to request family leave as described in this policy:

- All agents who have worked for APOTHCA for at least twelve (12) months and at least one-thousand two hundred and fifty (1,250) hours during the twelve (12) month period prior to the family leave request.

Eligible agents should make requests for family leave to their manager at least thirty (30) days in advance of foreseeable events and as soon as possible for unforeseeable events.

Agents requesting family leave related to the serious health condition of himself/herself, a child, spouse, or parent may be required to submit a health care provider's statement verifying the need for a family leave to provide care, as well as the expected beginning and end dates, and the estimated time required.

Eligible agents may request up to a maximum of twelve (12) weeks of family leave within any twelve (12) month period. Any combination of family leave and medical leave may not exceed this maximum limit. Agents will be required to first use any accrued paid leave time before taking unpaid family leave. Married agents/couples may be restricted to a combined total of twelve (12) weeks leave within any twelve (12) month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition. Where leave is taken for the purpose of giving birth or caring for an adopted child, the leave may be counted simultaneously against entitlement under Maternity and FMLA leave.

Benefits will be maintained by APOTHCA under the same conditions as active agents.

In order for an agent's return to work can be properly scheduled, an agent on family leave is requested to provide APOTHCA with at least two (2) weeks advance notice of the date the agent intends to return to work. When family leave ends, provided the agent has complied with the requirements set forth in this Section, the agent will be reinstated to the same position, if it is available, or to an equivalent position for which the agent is qualified.

If an agent fails to return to work on the agreed upon return date, APOTHCA will assume that the agent has resigned.

### **Workers' Compensation**

APOTHCA agents are covered by the Massachusetts Workers' Compensation Act that provides for financial compensation and the payment of certain medical expenses to workers for certain injuries sustained or illnesses arising from their employment. In the event an agent is injured, she/he may be eligible to receive weekly workers' compensation wage-replacement benefits. APOTHCA bears the full cost of this program.

Agents must immediately report all injuries or illnesses, regardless of severity to their manager. APOTHCA management will work with the injured agent to complete the injury report no later than seventy-two (72) hours after the injury occurs.

Agents may not use group health plans for injuries or illnesses covered under the Workers' Compensation Act. Further, agents may not use accrued leave while they are receiving wage-replacement benefits under workers' compensation.

APOTHCA works closely with its workers' compensation insurer to investigate any suspected fraudulent workers' compensation claims. As a result, APOTHCA reserves the right to prosecute any agent who files a fraudulent claim or engages in other workers' compensation fraud.

## **SECTION II – PERSONNEL POLICIES**

### **Agent Registration**

APOTHCA requires all agents to satisfactorily complete a background check. APOTHCA will consider the Department of Public Health (“DPH”) regulations and your job duties, among other factors, in determining what constitutes satisfactory completion of the background check. All information obtained as a result of a background check will be kept confidential and will be used solely for employment purposes. APOTHCA complies with all applicable federal, Massachusetts, and local laws regarding background checks.

All APOTHCA applicants and agents are required to complete the DPH-issued paperwork in order to register with the state and obtain a DPH agent registration card. Agent registration cards are valid for one (1) year from the date of issue and must be renewed in order to be employed by APOTHCA. Changes to information (e.g. address, name change, etc.) must be reported to the DPH within five (5) business days.

As part of APOTHCA’s background check process, all APOTHCA agents are required to submit to a CORI report (background check) at the time of employment and on an annual basis. CORI reports will be kept separately from the agent’s personnel record. APOTHCA is an equal opportunity employer and does not discriminate with regard to race, sex, age, national origin, religion, disability, genetic information or other characteristics protected by federal, state and local fair employment practices laws.

On-going employment is subject to the agent’s ability to meet agent registration requirements set forth by the DPH.

### **Attendance**

The success of APOTHCA’s operations depend in large part upon the regular and punctual attendance of each of its agents. Agents are required to be at work for their scheduled start time. If an agent anticipates being late, the agent’s manager should be notified prior to the scheduled start time, with enough time for a manager to make alternative arrangements to find an alternative agent for the shift, by telephone or e-mail. Agents are asked to arrive at work no more than fifteen (15) minutes early.

Agents should notify their manager prior to the start of the work day (preferably the night before, if possible) if they are unable to come to work due to an illness.

### **Dress Code**

Dress, grooming, and personal cleanliness standards contribute to the morale of all agents and the image APOTHCA presents to patients and visitors. During hours of operation,

agents are expected to have a clean and neat appearance and to dress according to the requirements of their positions.

### **Drug Free Workplace**

APOTHCA's goal is to have a drug-free, healthy, and safe workplace. To promote this goal, agents are required to report to work in the appropriate mental and physical condition to perform their jobs in an exemplary and professional manner. This policy is violated when agents use, possess, or abuse alcohol and illegal drugs. Thus, while on-premises and while conducting business-related activities off-premises, agents may not use, possess, distribute, sell or be under the influence of alcohol or illegal drugs.

Working while engaged in the legal use of prescribed drugs is allowed only to the extent that the agent's ability to perform the essential functions of the job effectively and in a safe manner is not impaired and that other individuals in the workplace are not endangered. The agent should notify their manager, in writing, whenever the use of legal drugs for medical purposes may impair the agent's performance, safety, and/or judgment so that the appropriate accommodations can be made.

Violations of this policy may lead to disciplinary actions, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

### **Employment on An At-Will Basis**

All agents of APOTHCA, regardless of their classification or position, are employed on an at-will basis. This means that each agent's employment is terminable at the will of APOTHCA or the agent at any time, for any reason, or no reason, with or without notice.

Furthermore, nothing contained in the policies, procedures, handbooks, manuals, job descriptions, application for employment, or any other document of the Company shall in any way create an express or implied contract of employment or an employment relationship other than at an at-will basis.

### **Employment Classifications**

The first three (3) months of employment at APOTHCA for all agents is considered a training period. A supervisor may recommend that a new agent's employment be terminated at any time during the three (3) month training period if the overall evaluation of the person and the position warrants such action.

At the end of three (3) months the agent's performance will be appraised. At this appraisal, the supervisor will inform the agent that the agent will become a regular agent; that the trial period is being extended, or that at APOTHCA no longer needs the agent's services.

For the sole purpose of determining the allowance of certain benefits, agents are classified as:

- (i) Regular Full-Time Agent – An agent who is scheduled to work an average of thirty (30) or more hours per week on a regular and continuous basis. Regular Full-Time agents are eligible for the following benefits:
  - i. Paid Time Off (PTO)
  - ii. Holiday Time
  - iii. Bereavement Leave
  - iv. Jury Duty Leave; and
  - v. Any other leave permitted by law
- (ii) Regular Part-Time Agent – An agent who is scheduled to work less than an average of thirty (30) hours per week. Regular Part-Time agents may be eligible for the following benefits on a prorated basis according to regularly scheduled hours worked:
  - i. Paid Time Off (PTO)
  - ii. Holiday time; and
  - iii. Any other leave permitted by law

For payroll purposes agents will be classified as one of the following:

- (i) Exempt Agents – Certain agents such as executive and administrative agents are paid on a salary basis for all hours worked each week. These agents are expected to work whatever hours are required to accomplish their duties, even if it exceeds the normal workweek. No overtime pay will be paid to exempt agents.
- (ii) Non-Exempt Agents – All agents who are not identified as exempt agents are considered non-exempt agents. Non-exempt agents are eligible for payment of overtime premium pay.

### **Electronic Communications**

APOTHCA uses various means of electronic communications in its normal course of business. The purpose of this policy is to describe APOTHCA's general rules regarding use of electronic communications.

E-mail: APOTHCA operates a corporate e-mail system through Microsoft. As such, APOTHCA's email system should primarily be used to discuss business related activities. Agents must use APOTHCA's email system to create, send, receive, and store all work-related emails; they cannot use personal email accounts to create, send, receive, or store work related email.

APOTHCA agents should not expect any privacy when using the corporate email system and are expected to abide by APOTHCA's harassment policy and any other applicable policies when sending emails over the corporate email system.



Internet: Email and Internet communications are not private. Email and Internet access are valuable communication and research tools for conducting APOTHCA's business. Because APOTHCA provides agents with these tools, agents and members of APOTHCA do not have a reasonable expectation of privacy in email and Internet communications. APOTHCA has the right to view and disclose all electronic communications including email and Internet access.

APOTHCA agents may not knowingly transmit, receive, or store any communication that; (i) is discriminatory, harassing, defamatory, or otherwise prohibited by federal law, (ii) appears derogatory and/or obscene to anyone, (iii) is a chain letter, joke, solicitation, offer to buy/sell goods, or other non-business related material of frivolous or trivial nature, and/or (iv) reveals company trade secrets, confidential information regarding patients, or other information that could harm APOTHCA or any of its affiliates.

Social Media: Agent use of social media (e.g. Facebook, Instagram, message boards, personal blogs, etc.) is prohibited during work time and through APOTHCA owned and operated systems. APOTHCA recognizes that agents may own various forms of electronic communications equipment (e.g. cell-phones, smart phones, etc.) that provide access to the internet and social media websites. Agents can only use personal electronic communications equipment and devices at the workplace according to APOTHCA's electronic communications policy and other harassment policies in this handbook.

Agents who use social media should be mindful of their responsibilities towards APOTHCA and fellow co-workers at all times. Once content is posted online, it is no longer under the author's control. APOTHCA strives to maintain a professional work environment and considers harassment in all forms to be a serious offense in violation of APOTHCA's harassment policy.

Cell phones are not permitted in any work-related area. Taking pictures or videos of any work-related areas are strictly prohibited.

Agents that violate APOTHCA's electronic communications policy are subject to discipline, up to termination. Additionally, agents who use APOTHCA's electronic communications systems for illegal or fraudulent purposes are subject to legal action by appropriate local, state and federal authorities.

### **Confidentiality and Proprietary Rights**

During the course of employment by APOTHCA, Agents will have access to and learn about confidential, secret and proprietary documents, materials, data and other information, in tangible and intangible form, of and relating to APOTHCA and its businesses and existing and prospective customers, suppliers, investors and other associated third parties ("**Confidential Information**"). This Confidential Information and the APOTCHA's ability to reserve it for the exclusive knowledge and use of APOTHCA is of great competitive importance and commercial value to APOTHCA, and that improper use or disclosure of the Confidential Information by an Agent will cause

irreparable harm to APOTHCA for which remedies at law will not be adequate and may also cause APOTHCA to incur financial costs, loss of business advantage, liability under confidentiality agreements with third parties, civil damages and criminal penalties.

Confidential Information includes, but is not limited to, all information not generally known to the public, in spoken, printed, electronic or any other form or medium, relating directly or indirectly to: business processes, practices, methods, policies, plans, publications, documents, research, operations, services, strategies, techniques, agreements, contracts, terms of agreements, transactions, potential transactions, negotiations, pending negotiations, know-how, trade secrets, computer programs, computer software, applications, operating systems, software design, web design, work-in-process, databases, device configurations, embedded data, compilations, metadata, technologies, manuals, records, articles, systems, material, sources of material, supplier information, vendor information, financial information, results, accounting information, accounting records, legal information, marketing information, advertising information, pricing information, credit information, design information, payroll information, staffing information, personnel information, employee lists, supplier lists, vendor lists, developments, reports, internal controls, security procedures, graphics, drawings, sketches, market studies, sales information, revenue, costs, formulae, notes, communications, algorithms, product plans, designs, styles, models, ideas, audiovisual programs, inventions, unpublished patent applications, original works of authorship, discoveries, experimental processes, experimental results, specifications, customer information, customer lists, client information, client lists, manufacturing information, factory lists, distributor lists, and buyer lists of APOTHCA or its businesses or any existing or prospective customer, supplier, investor, or other associated third party, or of any other person or entity that has entrusted information to the Employer in confidence.

Agents should understand that the above list is not exhaustive, and that Confidential Information also includes other information that is marked or otherwise identified as confidential or proprietary, or that would otherwise appear to a reasonable person to be confidential or proprietary in the context and circumstances in which the information is known or used.

Confidential Information developed by an Agents in the course of his/her/their employment by APOTHCA shall be subject to the terms and conditions of this Agreement as if the Employer furnished the same Confidential Information to the Agent in the first instance. Confidential Information shall not include information that is generally available to and known by the public, provided that such disclosure to the public is through no direct or indirect fault of the Agent or person(s) acting on the Agent's behalf.

Agents should protect and safeguard all Confidential Information and treat all Confidential Information as strictly confidential. Agents should not disclose any such Confidential Information to any person.

Notwithstanding the foregoing, Confidential Information may only be disclosed as required under applicable federal, state or local law, regulation or a valid order issued by a court or governmental agency of competent jurisdiction (a "**Legal Order**").

### **Agent Privacy**

In collecting, maintaining, and disclosing personnel information, APOTHCA makes every effort to protect agents' privacy rights and interests and prevent inappropriate or unnecessary disclosures of information from any worker's file or record.

APOTHCA treats personal information about agents as confidential and respects the need for protecting each agent's privacy by enforcing secure information handling procedures on the part of all personnel whose job duties involve gathering, retaining, using, or releasing personal information about APOTHCA agents.

On occasion, APOTHCA must provide information from its personnel records and files to federal, state, and local government agencies in accordance with reporting requirements imposed by such agencies. In the event a government agency requests information beyond which it normally requires, APOTHCA ordinarily advises the affected agents of the agency's request unless the request occurs in the course of an agency investigation or if an agency asks APOTHCA to keep such a request confidential.

In response to an information request from an outside organization or individual, APOTHCA normally verifies only the employment status and dates of employment for former or present agents. APOTHCA does not provide any other information unless under a legal obligation to do so.

### **Anti-Harassment Policy and Complaint Procedure**

#### **Introduction**

It is the goal of APOTHCA to promote a workplace that is free of harassment based on race, color, religion, creed, national origin, sex, age, ancestry, sexual orientation, genetics, pregnancy, marital status, gender identity/expression, disability, handicap, military obligations, veteran status, participation in discrimination complaint-related activities or any other category protected by law ("protected class status"). Harassment of agents occurring in the workplace or in other settings in which agents may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by agents.

Because we take allegations of harassment seriously, we will respond promptly to complaints of harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual or other harassment.

### Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is as follows:

“Sexual Harassment” means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
- (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;

- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences;
- Discussion of one's sexual activities; and
- Dissemination in the workplace of sexually-explicit voice mail, e-mail, graphics, downloaded material or websites.

All agents should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

### Complaints of Harassment

If any of our agents believes that he or she has been subjected to harassment, the agent has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting the Human Resources Manager, who is also available to discuss any concerns you may have and to provide information to you about our policy on harassment and our complaint process.

### Harassment Investigation

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed harassment. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.

### Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our agents, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

### State and Federal Remedies

In addition to the above, if you believe you have been subjected to unlawful harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC and MCAD – 300 days).

1. The United States Equal Employment Opportunity Commission (“EEOC”)

475 J.F.K. Federal Building  
Government Center  
Boston, MA 02203-0506  
(617)-565-3200

2. The Massachusetts Commission Against Discrimination (“MCAD”)

Boston Office:  
One Ashburton Place --RM 601  
Boston, MA 02108  
(617) 727-3990

Springfield Office:  
436 Dwight St., Suite 220  
Springfield, MA 01103  
(617) 739-2145

New Bedford Office:  
800 Purchase Street, Room 501  
New Bedford, MA 02740  
508-990-2390

### **Occupational Safety Program**

Safety is a top priority at APOTHCA. To assist in providing a safe and healthful work environment for agents, patients and visitors, APOTHCA has established workplace safety programs.

APOTHCA provides information to agents about workplace safety and health issues through internal communication channels such as agent meetings, bulletin board postings, memos, or other written communications.

Each agent is expected to obey safety regulations and to exercise caution in all work activities. Agents must immediately report any unsafe condition to the appropriate manager. Agents who engage in unsafe behavior, who cause hazardous or dangerous situations, or who fail to report, or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, agents should immediately notify any member of the APOTHCA management team. Such reports are necessary to comply with laws and initiate insurance and workers’ compensation benefits procedures.

## **Patient Confidentiality**

APOTHCA is committed to providing our patients and their caregivers with the best possible service. It is imperative that all issues regarding our patients are held in strict confidence. Accordingly, the following items are critical to maintaining patient confidentiality:

- (i) All agents agree that any and all files, lists and computer files belong to and are the sole and exclusive property of APOTHCA.
- (ii) All information found in patient charts, files, lists, and computer files are confidential and constitute trade secrets of APOTHCA.
- (iii) All agents promise not to disclose any such information to any other person and shall not share such information other than in connection with their employment at APOTHCA.
- (iv) All personal data and medical notes are highly confidential and may not be communicated to anyone without the patient's written consent.
- (v) No patient records or other written materials are to be left on counters or open on computer screens where confidentiality could be compromised.
- (vi) Do not discuss a patient's illness with any staff member who does not need to know.
- (vii) Do not discuss the medical treatments or personal information of patients outside of APOTHCA.
- (viii) Loose talk that others overhear can be the basis for a defamation or an invasion of privacy suit. Speak softly or privately with patients so that others do not overhear.
- (ix) All agents must understand that the violation of a patient's privacy is grounds for immediate termination and must sign a form pledging confidentiality of patient information. This signed form will become a part of the agent's personnel record.
- (x) Only release a copy of patient records when a patient submits a written request specifying whether a portion of, or all of, the records are needed. The request must show the date, to whom, and to where a copy/copies are being sent and should be added to the patient's record immediately.
- (xi) Do not remove or make copies of any patient records or of business records, reports or documents without express permission from management.
- (xii) Upon termination, agents are required to return any property in their possession that belongs to APOTHCA. Employment with APOTHCA assumes an obligation to maintain confidentiality even after leaving APOTHCA.

Because a violation of confidentiality could seriously injure APOTHCA's reputation and effectiveness, any unauthorized disclosure of confidential information or divulging any information to anyone outside APOTHCA concerning APOTHCA or its patients is cause for immediate dismissal.

## **Agent/Personnel Records**

As required by the DPH, APOTHCA will maintain a personnel record for each dispensary agent. Personnel records will be maintained by APOTHCA for a minimum of twelve (12) months after the agent's affiliation with APOTHCA concludes. At a minimum, the personnel record will contain the following:

- (i) Documents submitted to the DPH for the purposes of obtaining/maintaining agent registration;
- (ii) Documentation of verification of references;
- (iii) Job description that details duties, authority, responsibilities, qualifications, and supervision;
- (iv) Offer letter or employment contract;
- (v) Documentation of all required training, including training regarding privacy and confidentiality requirements, and the signed statement of the agent indicating the date, time and place the training was received, the topics discussed and the name and title of the presenter(s);
- (vi) A copy of the application that APOTHCA submitted to the DPH on behalf of the prospective agent;
- (vii) Documentation of periodic performance evaluations; and
- (viii) A record of any disciplinary action taken.
- (ix) Note: CORI reports will be maintained separately from an agent's personnel record.

## **Workplace Violence**

APOTHCA does not tolerate acts of violence committed by or against agents, visitors, or guests. APOTHCA strictly prohibits agents from making threats or engaging in violent acts. Prohibited conduct includes, but is not limited to:

- (i) Injuring another person physically;
- (ii) Engaging in behavior that creates a reasonable fear of injury in another person;
- (iii) Engaging in behavior that subjects another individual to extreme emotional distress;
- (iv) Threatening to injure an individual or damage property; and
- (v) Committing acts motivated by, or related to, sexual harassment.

In addition, the Company is sensitive to issues of domestic violence and the potential danger it poses to our agents and our workplace. Accordingly, the Company will not hesitate to contact the appropriate law enforcement authorities in the event of any threatening behavior or act of violence against agents, visitors or guests of the Company, and to initiate criminal prosecution, if appropriate.



**To ensure that APOTHCA maintains a workplace safe and free of violence for all employees, agents are prohibited from carrying any guns, knives, or other items which could be considered weapons while on duty. APOTHCA agents who hold a license to carry a concealed weapon are prohibited from carrying a weapon while on duty.**

**APOTHCA reserves the right at any time and at its discretion to search all company-owned or leased vehicles and all vehicles, plus packages, containers, briefcases, purses, lockers, desks, enclosures and persons entering its property, for the purpose of determining whether any weapon is being, or has been, brought onto its property or premises in violation of this policy. Agents who fail or refuse to promptly permit a search under this policy will be subject to discipline up to and including termination.**

**This is a zero-tolerance policy. All APOTHCA workers are subject to this provision, including contract workers and temporary employees as well as visitors and customers on company property. A license to carry the weapon on company property does not supersede company policy. Any employee in violation of this policy will be subject to disciplinary action, up to and including termination.**

### **Whistleblower Policy**

If an agent believes or has knowledge to believe that an APOTHCA agent is engaging in illegal activities while at work, including but not limited to diverting or stealing marijuana or marijuana products, falsifying records, stealing, or any other activity which jeopardizes APOTHCA's assets or agents, they should immediately report the incident to the Chief Executive Officer, or if unavailable the Chief Operating Officer. Illegal activities by others with whom APOTHCA has a relationship (including but not limited to vendors, independent contractors, patients, etc.) should also be reported.

The Chief Executive Officer will lead the investigation, with assistance from the Director of Security and the agent's manager, if necessary. Investigations will be completed as discreetly and confidentially as is determined to be practical. If it is determined that an agent engaged in illegal or prohibited activity, APOTHCA will take appropriate disciplinary measures against the offending agent(s). Disciplinary measures include but are not limited to warnings, suspensions, and termination. Agents who report violations and/or cooperate with an investigation will not be subject to retaliation. The Chief Executive Officer will inform the agent who made the complaint of the results of the investigation upon its completion.

It is imperative that all agents recognize and acknowledge that compliance with this policy is a condition of each agent's employment. Agents are encouraged to raise any questions and/or concerns about this policy with their manager or the Chief Executive Officer.



## **SECTION III – SALARY ADMINISTRATION**

### **Overtime Policy**

Full-time non-exempt (hourly) agents may occasionally be asked to work more than forty (40) hours in a given work week. Each work week is considered separately in computing overtime pay. Such overtime work, which is undertaken only when necessary, must be approved in advance by the agent's manager. The agent will be compensated for overtime hours worked at the rate of one and one-half times the agent's base rate of pay. Working unapproved overtime may be cause for disciplinary action.

Please note that Paid Time Off ("PTO"), closed holiday, or leave without pay hours occurring in a forty (40+) hour work week, do not count as hours worked for the purposes of calculating overtime. For example, if an hourly agent worked forty (40) hours during the week of Thanksgiving in addition to the eight (8) hours paid for the Thanksgiving holiday, the total hours paid would be forty-eight (48) at regular time rather than forty (40) hours regular time plus eight (8) hours of overtime.

### **Pay Procedures**

Employees are paid bi-weekly on Friday for the pay period that ends on the previous Sunday. If a particular payday falls on a weekend or holiday, employees normally will be paid on the last business day before the weekend or holiday. Employees enrolled in direct deposit will have their pay deposited in their designated account on payday.

Employees should review their pay stubs for errors. If you find an error, report it to the Human Resources Department immediately. If there has been an erroneous overpayment or underpayment, APOTHCA will correct it as soon as possible. For information on how to report errors, please see the Employee Complaints section below.

Federal and state withholding taxes and Social Security taxes are deducted from every paycheck. Voluntary deductions for health care benefits, retirement plan deferrals, and the like can be made after an agent completes the necessary authorization forms. APOTHCA will deduct court-ordered garnishments for personal debts – such as child support – without the agent's prior authorization. Deductions for federal and state taxes can also be made by APOTHCA without prior authorization.

### **Direct Deposit**

APOTHCA requires all agents to participate in the Direct Deposit Program. A standardized procedure is used to verify account numbers and account types before an actual electronic transfer occurs. Agents will be asked to complete a direct deposit form and provide a cancelled check during new hire orientation. Agents will be able to view an online earnings statement each payday that includes the same information that would be included in a paystub.

## **SECTION IV – BENEFITS**

### **Holidays**

APOTHCA anticipates observing the following holidays, subject to the needs of the agent's department:

- (i) New Year's Day;
- (ii) Martin Luther King Day;
- (iii) President's Day;
- (iv) Memorial Day;
- (v) Independence Day;
- (vi) Labor Day;
- (vii) Thanksgiving Day; and
- (viii) Christmas Day

Holidays that fall on a Saturday or Sunday will be observed on a Friday or Monday, respectively. Holidays occurring during an agent's vacation period may not be taken on another day. In addition, APOTHCA will make a good faith effort to accommodate religious holidays upon request.

### **Leaves of Absence**

Bereavement Leave: Benefit-eligible agents are allowed up to three (3) days of paid leave in the case of death in the agent's immediate family. Immediate family is defined as parents, spouse, domestic partner, children, brothers and sisters, grandparents, grandchildren, mother-in-law or father-in-law. Regular full-time agents are entitled to up to one (1) day paid leave in the case of death in the spouse's immediate family. Additional unpaid leave may be authorized by APOTHCA. Bereavement Leave will not apply in the event the death in the family occurs when the agent is not scheduled to work, such as being on vacation or on an approved leave of absence.

Military Leave: Agents who are required to serve a period of time in a reserve component of the U.S. Armed Forces are allowed an unpaid leave of absence. All agents (except those with jobs that are for a brief, non-recurrent period with no reasonable expectation the job will continue indefinitely or for a significant period), regardless of length of service, are entitled to reserve duty leave. There will be no loss of seniority-based benefits during military leave.

Continuation of coverage under APOTHCA's health care plan during military leave depends on the length of the leave. For leaves of absence less than thirty-one (31) days in duration, APOTHCA will continue to pay its share of the health care premium contribution, and the employee will be responsible for his/her own share. For leaves of absence greater than thirty-one (31) days, a covered agent may elect to continue health

plan coverage at his/her own expense for a period of up to twenty-four (24) months. For more information concerning health care coverage during leave, please speak with a representative from the Human Resources Department. An agent requesting military leave must request the leave as soon as the need for leave becomes known. A copy of the orders to go to the reserves must accompany the request for the leave.

An eligible agent may also be able to take FMLA leave in connection with certain situations related to military service: (a) an eligible employee may take up to twenty-six (26) weeks of leave during a single twelve (12) month period to care for a covered family member who has suffered a qualifying injury or illness in the line of active duty in the Armed Forces; and (b) an eligible agent may take up to twelve (12) weeks of leave during a twelve (12) month period in connection with a 'qualifying exigency' arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan.

Parental Leave: Full-time agents are eligible for eight (8) weeks of unpaid parental leave under the Massachusetts Parental Leave Statute. To be eligible, you must have completed APOTHCA's initial trial period. You must provide at least two (2) weeks' written notice of your date of departure and intention to return to work following the leave, or provide notice as soon as is practicable if the delay in notice is for reasons beyond your control.

Leave may be taken for the purpose of giving birth, for adopting a child under the age of eighteen (18) (twenty-three (23) if the child is mentally or physically disabled), for placement of a child under the age of eighteen (18) (twenty-three (23) if the child is mentally or physically disabled), or for the placement of a child pursuant to a court order. If two (2) agents of APOTHCA require leave to care for the same child, they are entitled to eight (8) weeks total parental leave between them.

Agents on Parental leave may, but are not required to, apply unused PTO or sick time towards the leave period. Agents who wish to use unused PTO during all or part of the leave, may do so, and should submit the request in writing prior to taking the leave. However, no PTO will accrue during the leave. Health coverage will continue on the same basis as before the leave.

Upon returning to work, agents will be restored to your position, or a similar one with the same status, pay, length of service credit and seniority as of the date of the leave, unless economic or business conditions during the leave period would have resulted in a lay-off had leave not been taken.

Small Necessities Leave Act: Agents who are eligible for leave under APOTHCA's Family and Medical Leave Policy are also eligible for leave under the Massachusetts "Small Necessities Leave Act" (SNLA). During any twelve (12) month period, eligible agents may take up to twenty-four (24) hours of leave for the following reasons:

- to participate in school activities directly related to the educational advancement of your child, such as parent-teacher conferences or interviewing for a new school ("school" includes licensed day-care centers);
- to accompany your child to routine medical or dental appointments, such as check-ups or vaccinations; or
- to accompany an elderly relative to routine medical or dental appointments or other appointments for professional services related to the elder's care, such as interviewing at nursing or group homes.

Where SNLA leave is foreseeable, you must provide at least seven (7) days advance written notice to the APOTHCA. Where leave is not foreseeable, you must notify APOTHCA as soon as practicable. You may be required to provide a certification (which can serve as notice), in the following form, for each period of leave taken pursuant to this policy:

#### Sample Agent 's Certification

I certify that on \_\_\_\_\_ I will/did take \_\_\_\_\_ hour(s) of leave for the following purpose (check one):

- ☐ to participate in school activities directly related to the educational advancement of my child;
- ☐ to accompany my child to a routine medical or dental appointment
- ☐ to accompany an elderly relative to a routine medical or dental appointment or for an appointment for other professional services related to my relative's care

Agent 's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The available twenty-four (24) hours of SNLA leave does not need to be taken all at once. Rather, leave may be taken intermittently, in minimum increments of one hour.

You are required to substitute accrued vacation time and/or sick leave towards SNLA leave. Once paid leave is used up, SNLA leave is unpaid.

Jury Duty: For time served on jury duty, APOTHCA will pay agents the difference between their salary and any amount paid by the government, unless prohibited by law, up to a maximum of three (3) days. If an agent is required to serve more than three (3) days of jury duty, APOTHCA will provide the agent with unpaid leave or the agent may use accrued PTO. Upon request, agents must provide APOTHCA a copy of proof of service from the court in which they appeared.

Family Medical Leave Act (FMLA): See Section II

### **Paid Time Off**

Eligibility: All regular, non-probation period agents scheduled to work a minimum of thirty (30) hours per week.

Paid Time Off Accrual: PTO shall be calculated from the first (1<sup>st</sup>) day of employment, but shall not be considered to have been earned and shall not become available for use, until an agent has completed his/her ninety (90) day probationary period.

The following reflects the accrual rates for agents working a minimum of thirty (30) hours per week:

0-1 year: 2 weeks - 3.12 hours per pay period (.039\*80 hours)  
1-10 years: 3 weeks - 4.64 hours per pay period (.058\*80 hours)  
10+ years: 4 weeks - 6.16 hours per pay period (.077\*80 hours)

Only a maximum of 3 PTO days (24 hours) can be rolled over into the subsequent year, providing the employee takes said allotted PTO by March 31<sup>st</sup> of the following year.

Agents who work less than thirty (30) hours per week may be eligible for pro-rated PTO.

Except at time of termination, agents are not eligible to receive compensation in lieu of taking time off.

## **SECTION V – RESIGNATION AND TERMINATION**

### **Resignation and Termination Policies**

APOTHCA asks that agents who resign give at least two (2) weeks' notice of intention to leave their job, and submit written notice stating reasons for resigning and the effective date. APOTHCA reserves the right to immediately dismiss an agent who resigns, however, the agent will be paid during the notice period. An exit interview will be scheduled on or near the final day of employment.

APOTHCA will issue a final paycheck, including payment for any unused PTO, on the next regular payday after resignation. APOTHCA will notify the DPH no more than one (1) business day after the agent's employment concludes.

Immediate termination of employment will occur if an agent is found to have diverted marijuana (law enforcement and DPH will be notified); or engaged in unsafe practices with regard to APOTHCA's standard operating procedures (DPH will be notified). Agents who are terminated will receive a final paycheck, which includes any accrued PTO, at the time of termination.

### **Exit Interview**

Agents who resign from APOTHCA are asked to complete an exit interview with their manager or a member of the executive management team. The purpose of the exit interview is to give the agent the opportunity to explain what they liked and disliked about working at APOTHCA and to gather suggestions for how APOTHCA can improve policies and practices.

Exit interviews are designed and intended to be constructive for both APOTHCA and the agent. As a result, APOTHCA does not share information or discriminate against agents who voluntarily share their opinions during exit interviews.



## AGENT ACKNOWLEDGEMENT FORM

This Agent Handbook describes important information about APOTHCA, and I understand that I should consult the Human Resources Director (and if unavailable, the Chief Executive Officer) regarding any questions not answered in the handbook. The policies described in this manual are not conditions of employment and the language is not intended to create a contract between you and APOTHCA. I have entered into my employment relationship with APOTHCA voluntarily and acknowledge that I am an employee at will and there is no specified duration of employment. Accordingly, either I or APOTHCA can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except APOTHCA policy of employment-at-will. It is APOTHCA's intent to communicate changes to this handbook through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Board of APOTHCA acting in their official capacity on behalf of the group, have the authority to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it. I understand that it is my responsibility to be familiar with the material contained in it, prior to the beginning of work.

AGENT'S NAME (printed): \_\_\_\_\_

AGENT'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

## **Providing Medical Advice to Patients**

Apothca, Inc. (“Apothca”) understands the Board of Health’s desire to ensure that non-medical dispensary staff do not provide medical advice or information to patients and caregivers.

To date, Apothca, since it began operations in both Arlington and Lynn, has had a Registered Nurse (“RN”) on a monthly retainer to provide patients with medical advise. As of the submission of Apothca’s co-located Operating Permit application, not a single patient in either Arlington or Lynn has requested the services of Apothca’s RN. As such, Apothca requests the Board of Health not require a RN to be on retainer and would, instead, request the Board of Health to allow Apothca to arrange for RN services on a per occurrence basis rather than have the RN on retainer. However, if the Board of Health wants Apothca to keep the RN on retainer, Apothca would be happy to comply.



## **CONSUMER EDUCATION MATERIALS**

### **ADULT-USE OF MARIJUANA PROGRAM**

In November 2016, Massachusetts voters passed Question 4, resulting in the adoption of Chapter 334 of the Acts of 2016, making the possession and personal cultivation of marijuana legal for all adults 21 years of age and older and creating a regulatory system to license for-profit, adult-use, marijuana businesses. The Massachusetts legislature immediately set out to revise that law, and on July 28, 2017, Governor Baker signed Chapter 55 of the Acts of 2017, amending the adult-use law passed by the voters.

Under the framework of the revised law, adult-use marijuana businesses are licensed by a five-member administrative body known as the Cannabis Control Commission (the “Commission”), which promulgated the regulations, guidelines, and protocols necessary for the issuance of adult-use marijuana business licenses on March 23, 2018. Adult-use marijuana sales are taxed at 20% (10.75% excise tax, 6.25% sales tax, and a 3% local option excise tax).

For additional information on the Adult-Use of Marijuana Program, visit the Commission’s website: <https://mass-cannabis-control.com/>

### **HANDLING MARIJUANA AND MARIJUANA PRODUCTS**

Consumers may possess up to one ounce of marijuana on their person, except that not more than five grams of marijuana may be in the form of marijuana concentrate. At home, consumers may possess up to 10 ounces of marijuana (and any marijuana produced by plants cultivated on the premises in accordance with plant limits). Individuals can only share or gift up to 1 ounce of marijuana, or 5 grams of marijuana concentrate, with adults ages 21 and over, without any form of compensation.

Any amount of marijuana or marijuana products over one ounce kept within an individual’s place of residence must be secured by a lock. Apothca recommends that individuals always keep marijuana locked and secure away from children and pets. To ensure the quality of marijuana, store it in a dark, dry, and cool place.

The law allows an individual over 21 years of age to grow up to six plants in their home. If there are other individuals over 21 years of age living in the residence who wish to grow, the maximum number of plants that may be grown in a residence is 12 plants. The plants must be grown in an area that is equipped with a lock or security device. The plants cannot be visible from a public place without the use of binoculars, aircraft or other optical aids. An individual cannot produce marijuana-based extracts or concentrates at home by means of any liquid or gas, other than alcohol, that has a flashpoint below 100 degrees Fahrenheit.

Like alcohol, consumers may not have an open container of adult-use marijuana/marijuana products in the passenger area of their car while on the road or at a place where the public has access. An “open container” includes a package with its seal broken or a package from which the contents have been partially removed. The “passenger area” does not include a trunk or a locked glove compartment. The 2017 Act does not change the existing penalties for operating a car if you are impaired by the use of marijuana or marijuana products.

Marijuana consumption is not permitted in public, and furthermore, consumption is not permitted in or around Apothca’s facilities. Consumers are not allowed to traverse state lines with marijuana or marijuana products.

## OVERVIEW OF MARIJUANA STRAINS AND CANNABINOIDS

The documented use of marijuana dates back thousands of years. Marijuana comes in many different forms such as dried flower, oils, tinctures, topicals, and marijuana infused products (“MIPs”) in edible or concentrate form. Each strain of marijuana contains different types of cannabinoids with varying effects. Apothca offers several different strains of marijuana to accommodate the needs of every consumer.

The marijuana plant is typically classified into four groups: Sativa, Indica, Hybrid, and Cannabidiol (“CBD”). Each group is made up of a variety of strains, all with different cannabinoid makeups or profiles:

- Sativas are reported to increase energy and appetite while also elevating the consumer’s mood and focus. It is generally recommended for daytime use.
- Indicas are reported to promote relaxation as well as reduce anxiety and promote sleep. Indicas are usually recommended for evening use.
- Hybrids strains are produced when cultivators cross-breed different indica and sativa strains to maintain the desired traits and breed out the undesired to meet specific needs.
- The first cannabinoid to be identified was Tetrahydrocannabinol (“THC”), which is known to produce psychoactive effects or the feeling of being “high.” Apart from its recreational use, it can be used to relieve pain, reduce vomiting and nausea, reduce inflammation, aid sleep, reduce muscle spasms, relieve anxiety, and stimulate the consumer’s appetite.
- Cannabidiol (“CBD”) is another cannabinoid with varying benefits that produces very little to no psychoactive effects or “high.” Reported therapeutic uses include pain relief, killing or slowing bacteria growth, reducing blood sugar levels, reducing seizures, relieving anxiety, and inhibiting tumor and cancer growth.

- Other cannabinoids such as Cannabichromene (“CBC”), Cannabigerol (“CBG”), Cannabinol (“CBN”), Tetrahydrocannabinolic Acid (“THCA”), and Tetrahydrocannabivarin (“THCV”) are reported to have varying benefits as well. Some of these benefits include suppression of appetite, aiding sleep, reducing risk of artery blockage, nervous system protectants, suppressing muscle spasms, modulating the immune system, and relieving pain.

## PRODUCTS OFFERED

Apothca offers a broad range of products and is constantly updating its selection. Apothca’s daily menu is available online at: <https://apothca.com/pages/menu>. Below is a description of the various marijuana products that will be offered at Apothca’s dispensary locations.

### Marijuana Flower for Smoking and Vaporizing

- Apothca will offer a wide variety of marijuana strains and products for consumers. Strains will be consistently available and reviewed on an ongoing basis based on feedback from consumers and overall demand.

### Marijuana Infused Products (MIPs)

- Edible products will be offered, such as chocolates and lozenges. Pills will be available and made from dried marijuana flowers or an infused glycerin gel. MIPs provide an alternative method for consuming marijuana. MIPs are an attractive alternative for consumers who are unwilling to smoke as they do not irritate the throat. In many cases, MIPs offer a longer lasting effect.

### Tinctures

- Tinctures are liquids, usually vegetable glycerin, that have been infused with marijuana over a period of time (anywhere from 30-180 days). The marijuana is strained from the liquid and then administered to the consumer using an eyedropper to place the liquid under the tongue. Tinctures are easy to administer, discreet, and are not intimidating for elderly consumers or consumers who have difficulty swallowing. Doses are easily measured and tend to be more consistent than edibles. Tinctures do not negatively impact the lungs.

### Topicals

- Ointments, sprays, lotions, transdermal patches and balms that are beneficial for treating acute pain in different regions of the body. Topicals have a delayed onset effect but can last for up to eight (8) hours for some consumers. Topical treatments do not have any known negative effects on the lungs or throat. Lotions appeal to elderly consumers who are used to using lotions to treat arthritis or acute pain. Topical marijuana treatments generally have no psychoactive effect or “high,” but rather only a therapeutic effect on the consumer’s specific condition.

### Concentrates

- Varieties: Hash, oils, and waxes designed for consumers who prefer to smoke or vaporize small amounts of highly concentrated marijuana to receive the complete effect. Concentrates allow for a fast onset without the need to smoke excessive amounts of marijuana.

### Paraphernalia

- Classic vaporizers, portable vaporizers, vaporizer pens, volcano vaporizers, digital vaporizers, water pipes, smoking pipes, and rolling papers.
- Different forms of marijuana require different paraphernalia for consumption and use. Apotheca will offer a wide range of options allowing consumers to determine the consumption method that meet individual needs.

### Related Supplies

- Grinders, scales, rolling machines, rolling trays, rolling boxes, rolling mats, filters, flavoring for flowers, cleaning accessories, lighters, vaporizer replacement parts, air fresheners, air purifiers, storage jars, lock boxes and other secure or inconspicuous containers for storage of marijuana.
- These supplies will assist consumers with the storage, consumption, rationing, titration, and dosing of the various forms of marijuana. Marijuana container and storage supplies will ensure that the consumer's marijuana is stored safely and securely.

## **METHODS FOR ADMINISTRATION**

There are many different ways to administer marijuana to achieve a desired effect, and there are a number of factors that impact the effects felt by each consumer. Marijuana is generally inhaled by smoking or vaping, or ingested orally in the form of tinctures, oils, edibles, or can be applied topically.

- Smoking marijuana is the most popular consumption method and has the quickest effect. As the user inhales, the cannabinoids are introduced into the bloodstream, having an almost instant effect. The effects can last anywhere from ninety (90) minutes to several hours, and peak effects are usually felt after thirty (30) minutes. Vaporizing is an alternative way to inhaling marijuana. Rather than smoking, vaporizing or “vaping” involves heating the marijuana flower or concentrates to a temperature that produces vapor without combustion. Vaping eliminates many of the harmful carcinogens and tars that are often present in smoke. After smoking or vaping marijuana, consumers should wait at least thirty (30) minutes before increasing their dose.
- Ingesting marijuana is a popular administration method for consumers who prefer not to smoke or vape and are looking for longer lasting effects. Usually, food products such as chocolates, lozenges, or capsules are infused with marijuana extracts that can be swallowed. These products are referred to as Marijuana Infused Products or “MIPs.” New users should start with a small dose and wait two (2) hours before increasing the dosage. Consumers should consult with their physicians regarding a proper marijuana dose for MIPs consumption.

- Some consumers can achieve the desired effect of marijuana by topically applying infused products to their skin. With topicals, the marijuana is absorbed through the consumer's skin in order to achieve the desired effect. Often, topicals do not produce psychoactive effects or a "high" for consumers.

## DOSAGE & LABELING

- Different products will vary in potency, cannabinoid profile, and effects. Consumers should experiment to find the ideal dose for their desired effects and are encouraged to keep a log of consumption, methods, and effects. A consumer's tolerance will vary based on a variety of factors that including weight, body chemistry, and metabolism. All marijuana products will be lab tested and clearly labeled to ensure consistent dosing and packaging.
- When consuming MIPs, it is important for consumers to wait the appropriate amount of time before consuming more to reach a desired effect. Consumers should start with a low dose and should not increase it until they know the impact and the timing it takes to reach such impact. A common mistake with MIPs consumption is taking too high of an initial dose. Such mistakes can be avoided if consumers "start low and go slow" and carefully monitor the effects.
- When consuming MIPs, it is recommended that consumers do so on a full stomach in order to decrease the intensity of the effects. It is also recommended that marijuana should not be used in conjunction with alcohol or other drugs, and consumers should not operate a vehicle or machinery while using marijuana. For women who are pregnant, there may be additional health risks associated with consumption of marijuana. All consumers should consult with their physicians about health and safety risks associated with using marijuana.
- The labels on marijuana products will outline the product's cannabinoid profile and dosage information. Consumers should read the labels before purchasing and using marijuana to ensure they have the correct and desired products and doses. Consumers should consult an Apothca agent if they have additional questions.

## SAFETY

- Marijuana products should be kept in their original childproof/tamperproof packaging and stored separately from other food.
- Consumers should speak with a healthcare provider before using marijuana, especially if they are using medications.
- Consumers have reported a variety of side effects associated with the use of marijuana including dry mouth, dizziness, paranoia, anxiety, slowed reaction times, and impaired motor skills. Side effects can vary for different consumers.
- It is illegal to drive under the influence of marijuana (M.G.L. c.90, s.24).
- The use of marijuana and marijuana products is strictly prohibited on the premises of Apothca.

- Marijuana should also be kept away from children and stored under lock and key to avoid accidental ingestion. Consumers need to always be responsible about safe storage of marijuana and marijuana products.

## TOLERANCE, DEPENDENCE, & WITHDRAWAL

Although different drugs have different physical effects, the symptoms of addiction are similar. If you recognize the signs and symptoms of substance abuse, consider talking to someone about your drug use. Some examples of signs and symptoms of substance abuse are:

- Neglecting responsibilities at school, work, or home because of drug use;
- Using drugs under dangerous conditions or taking risks while high;
- An increase in drug tolerance;
- Taking drugs to avoid or relieve withdrawal symptoms, which may include nausea, sweating, shakiness, and extreme anxiety;
- Causing problems in relationships;
- Abandoning enjoyed activities;
- Continue using drugs, despite knowledge of potential and actual harms; or
- Losing control over drug use.

Physical dependence to marijuana has not been substantiated by extensive research, but frequent or heavy use of marijuana can lead to increased tolerance resulting in the need for higher doses and different strains. For additional information on tolerance, dependence and withdrawal, visit <https://drugabuse.com/marijuana-abuse/>.

HelpGuide.org is a non-profit dedicated to improving mental and emotional health and provides resources to recognize abuse and addiction. HelpGuide provides a guide to common signs and symptoms of drug abuse and addiction.

Addictions signs include increased tolerance, using drugs to avoid withdrawal, life revolves around drug use, abandonment of activities previously found to be enjoyable, extended use, and loss of control. For more information about substance abuse and addiction, visit <https://www.helpguide.org/home-pages/addictions.htm>

## APOTHCA SERVICES

- Staff and Resources. Apothca's agents are trained, highly knowledgeable and available to answer questions and provide additional resources about the use of marijuana. We encourage consumers to ask questions when they visit the dispensary, via telephone, and through our website.
- Consultations. While most consumers will interact with Apothca's staff while purchasing their marijuana and marijuana products, Apothca also offers individual appointments for in-depth, one-on-one discussions about different products, uses, and their application.



Apothca agents are also available to explain to a consumer how to use the products. Please note, however, that on-site consumption, even for demonstration purposes, is strictly prohibited on Apothca's premises.

- Accommodation Services. Apothca is committed to serving consumers with special needs. Apothca offers interpreter services in several different languages, including for the visually- and hearing-impaired.

## QUALITY CONTROL DISCLOSURE

### OVERVIEW

Apothca is committed to providing the highest quality marijuana to its consumers. In furtherance of that commitment and in compliance with state law, Apothca utilizes an independent testing laboratory to test samples from all of the marijuana that Apothca produces. Such testing ensures that all marijuana and marijuana products are free from contaminants, such as mold, mildew, heavy metals, plant-growth regulators, and pesticides. Apothca has a Quality Control Procedure in place to address test results showing contamination, which is described below.

### CONTAMINATION INVESTIGATION PROCEDURE

Apothca will ensure that all marijuana and marijuana products for retail sale have been tested for the presence of contaminants, including but not limited to mold, mildew, heavy metals, plant-growth regulators, and pesticides. All such testing will be done by an independent laboratory with which Apothca maintains a contractual relationship.

In the event that sampling test results indicate contamination, Apothca will initiate its Contamination Investigation Procedure:

1. Apothca will internally document the initial contamination information, including:
  - a. The batch number from which the tested sample was taken;
  - b. The contaminant detected; and
  - c. Date of sample test.
2. If the contaminant is a material introduced by during cultivation or processing, Apothca will review protocols and procedures for the application of such chemical to determine the cause of the presence of excessive testing levels. The results of such investigation will be recorded with the internal contamination documentation, and any necessary alterations to Apothca procedure or infrastructure will be made to applicable Apothca operational manuals or physically implemented, as necessary. Furthermore, Apothca will implement any training or retraining on protocols related to the contamination, as applicable.
3. If the contaminant is a foreign substance not intentionally introduced by Apothca, Apothca will undertake an investigation to determine the following:
  - a. Where the contamination occurred;
  - b. When the contamination occurred;

- c. The root cause of the introduction of the contaminant; and
- d. Remedial steps to prevent future contamination.

The results of such investigation will be recorded with the internal contamination documentation, and any necessary alterations to Apothca procedure or infrastructure will be made to applicable Apothca operational manuals or physically implemented, as necessary. Furthermore, Apothca will implement any training or retraining on protocols related to the contamination, as applicable.

Based on Apothca's investigations of any contamination, Apothca will determine all affected marijuana and immediately segregate and destroy all contaminated marijuana in accordance with Apothca's marijuana waste disposal procedures.

## DISCLAIMERS AND PENALTIES<sup>1</sup>

- Marijuana has not been analyzed or approved by the FDA. There is limited information on the side effects of marijuana, and there may be health risks associated with using marijuana. Marijuana and marijuana products should be kept away from children and stored in such a way as to prevent access by anyone under the age of 21.
- When under the influence of marijuana, driving is prohibited by M.G.L. c. 90, § 24, and machinery should not be operated.
- Consumers may not sell marijuana to any other individual; only Marijuana Retailer Establishments licensed by the Commission may sell marijuana and marijuana products directly to consumers.
- Selling marijuana to others is illegal and a first-time offense (under 50 pounds) may be punishable by up to 2 years imprisonment / \$5,000 fine. Subsequent offenses may be punishable by up to 2.5 years imprisonment / \$10,000 fine.
- Possessing more than the legal limit (1 oz.) outside your home may be penalized by up to 6 months imprisonment / \$500 fine.
- Failure to keep marijuana and marijuana products in excess of one ounce locked up within the home may be punished by a civil penalty of up to \$100 and forfeiture of the marijuana.
- The civil penalty for consuming marijuana in public or smoking marijuana where smoking tobacco is prohibited is up to \$100.
- An individual may receive a civil penalty of up to \$500 for having an open container of marijuana in the passenger area of a vehicle while on the road or at a place where the public has access.
- An adult may not grow marijuana plants where the plants "are visible from a public place." A violation of this section is punishable as a civil offense with a penalty not to exceed \$300 and forfeiture of the marijuana.

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<sup>1</sup> Note that this is not an exhaustive list of all penalties associated with any illegal possession, distribution, or production of marijuana.

- A person who is at least 21 years of age and who cultivates more than 6 but not more than 12 marijuana plants or who possesses an amount of marijuana outside of his or her place of residence having a weight of more than 1 ounce but not more than 2 ounces shall be subject only to a civil penalty of not more than \$100 and forfeiture of the marijuana not allowed.
- Individuals who marijuana, marijuana products or marijuana accessories to a person less than 21 years of age, either for the person's own use or for the use of the person's parent or another person shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than 1 year or both such fine and imprisonment.

## STRAIN AND PRODUCT TRACKING

[illegible]

**From:** Joseph Lekach <joseph@artcangroup.com>  
**To:** Padraig Martin <PMartin@town.arlington.ma.us>  
**Cc:** Natasha Waden <NWaden@town.arlington.ma.us>, Kylee Sullivan <KSullivan@town.arlington.ma.us>  
**Date:** 05/08/2020 11:17 AM  
**Subject:** RE: Apothca Application

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CAUTION: This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

Hi Pat

Thank you for sending this over. I look forward to the virtual meeting on the 27<sup>th</sup>.

See responses below in red.

Best,  
Joseph Lekach

---

CEO  
Artcan/Apothca

M. 305.741.6540

**From:** Padraig Martin <PMartin@town.arlington.ma.us>  
**Sent:** Thursday, May 7, 2020 9:27 AM  
**To:** Joseph Lekach <joseph@artcangroup.com>  
**Cc:** Natasha Waden <NWaden@town.arlington.ma.us>; Kylee Sullivan <KSullivan@town.arlington.ma.us>  
**Subject:** Apothca Application

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello Joseph,

I hope this email finds you well.

A hearing for Apothca Inc.'s application to operate a co-located medical and adult-use retail marijuana establishment has been scheduled for May 27, 2020 at 2:00 PM. This meeting will be conducted by remote participation. Additional instructions will follow.

I have completed an initial review of your application and additional information is needed. Please submit the following documentation and/or provide clarification:

- 1) **Please provide a 24"x 36" - or similarly sized - copy of the floor plan for review by our department.** This will be printed and dropped off for you.
- 2) To date, we have received copies for your provisional license with the Cannabis Control Commission (CCC) and your architectural review approval.

**Please submit any additional material or approvals from the CCC. No additional materials have been received from the CCC since the approval on architectural review. We did submit an inspection request to the CCC – would you like a copy of the request?**

3) Section E of the narrative response states "For the Arlington dispensary, Apothca has configured the inventory tracking system in a manner that tracks patients' visits to the Arlington dispensary and ensures that no patient is able to purchase more than a 30-day supply (i.e. 5 ounces or the equivalent in other forms) in each 30-day period from Apothca's dispensary in Arlington. When a patient or personal caregiver enters the secure access vestibule of Apothca's dispensary and presents the required CCC Registration and government-issued identification cards, Apothca's dispensary agent will check the inventory tracking system to confirm whether the patient has purchased a 30-day supply in the previous 30 days. If the inventory tracking system reveals that a patient or caregiver has purchased a 30-day supply from the Arlington dispensary in the previous 30-days, Apothca's dispensary agent will respectfully inform the patient or caregiver that he or she is ineligible to purchase medical marijuana or marijuana products at that time and, in compliance with CCC Regulations, will prevent the patient or caregiver from remaining on the premises."

**It is not clear if a customer can purchase a 60-day supply by shopping outside of Arlington for a 30-day supply and subsequently purchase an additional 30-day supply in Arlington within 30 days. Will a customer be able to purchase a 30-day supply outside of Arlington and subsequently be able to purchase an additional 30-day supply in Arlington within 30 days? That is correct. We can't mandate limits on other operators or municipalities- we can only restrict the purchase in our location.**

4) Exhibit B states that "APOTHCA will utilize a temporary or semi-permanent physical barrier to provide a physical separation between the medical and adult-use sales areas."

**Please provide more details on the type(s) of barriers Apothca plans to use to provide separation between medical and adult-use sales areas. In Lynn we use stanchions for the separation which have been approved by the CCC. Within the space, there is a concrete column at the POS area and that will be used as the start of the separation.**

5) Exhibit E states "Pursuant to 935 CMR 500.050(5)(b), Apothca, Inc. ("APOTHCA") will only be accessible to consumers 21 years of age or older with a verified and valid, government-issued photo ID or in possession of a Program ID Card demonstrating the individual is a registered qualifying patient with the Medical Use of Marijuana Program. Upon entry into the premises of the marijuana establishment by an individual, an APOTHCA agent will immediately inspect the individual's proof of identification and determine the individual's age, in accordance with 935 CMR 500.140(2)."

**Please clarify where on the premises ID's will be checked and if they will be checked prior to the customer's entering the retail floor. It get's checked first before entering the front door (100A). It then gets checked again in the "Vestibule" (100) at the check in desk**

6) The security plan in Exhibit G does not provide adequate detail of the security measures to review.

**Please submit a detailed security plan for the proposed new location. Would it be possible to show this to you but not leave it with you? We don't want our security SOPs to become subject to FOIA requests. The floorplan also shows all security systems within the space.**

7) Exhibit K, the escrow agreement does not clearly show which location these funds are intended for.

**Are all funds referred to intended for exclusive use by the Arlington Health Department in the event the town must remove, close and/or clean up the co-located marijuana establishment. If not, please provide a detailed breakdown for distribution of the funds. \$5,000 is for Arlington, \$5,000 is for Lynn, and \$10,000 is for Fitchburg and yes, the Arlington funds are exclusive for the Arlington dispensary.**

8) Exhibit L, Triumvirate Environmental estimate, does not indicate that this proposal is for the new location at 1386 Massachusetts Avenue and does not indicate the date the estimate was prepared.

**Please submit a recent proposal for the 1386 Massachusetts Avenue location. We had spoken about this over the phone. The proposal would basically be exactly the same. Do you need me to redo it as it will show the same information but with a new address?**

9) In a recent conversation, it was mentioned that due to the time involved for the CCC to process a change of location, Apothca intends to open the Massachusetts Avenue location as an adult-use only marijuana establishment until the approval for the change of location for the medical license is granted by the CCC.

**Please provide more detailed information regarding Apothca's operational plans while approval by the CCC for the change of location for the medical license is pending. We will be closing the current medical store 7 days before our Post-provisional inspection of 1386 Massachusetts Ave and remove all products from the location. The new store will be set up from the start to be able to handle both medical and adult-use, like our Lynn location, but we will not be able to serve patients until the CCC approved our change of location request. Once the change of location is approved, the CCC will conduct a separate inspection and provide an approval to commence medical sales.**

Please feel free to reach out with any questions or concerns.

Regards,

Pat

Padraig Martin, REHS  
Lead Health Compliance Officer  
Town of Arlington  
27 Maple Street  
Arlington, MA 02476  
781-316-3170



March 2, 2020

Mr. Joseph Lekach  
Apothca, Inc.  
1386 Massachusetts Avenue  
Arlington, MA 02476

RE: Architectural Review Approval (Apothca, Inc. MR282730)

Dear Mr. Lekach:

The Cannabis Control Commission (Commission) has completed its architectural review of the proposed Marijuana Establishment. You are hereby approved to commence construction operations as outlined in your approved building permit.

The Commission reserves the right to inspect the property during any phase of construction, to ensure compliance with the approved architectural plans. Should any changes in the plan occur due to unforeseen circumstances, the licensee will notify the Commission with the intended changes.

**This approval is not intended to be used to circumvent any state and local ordinances.**

Sincerely,  
  
Shawn Collins  
Executive Director







February 7, 2020

Apothca, Inc.  
MRN282730  
[joseph@artcangroup.com](mailto:joseph@artcangroup.com)

### **NOTICE: PROVISIONAL LICENSE**

#### **WHY ARE YOU RECEIVING THIS NOTICE?**

This letter provides notice that the Cannabis Control Commission (“Commission”) approved the issuance of a provisional license subject to the conditions listed below. A provisional license authorizes the applicant to develop, but not operate, the proposed Marijuana Establishment identified in the application which is as follows:

Apothca, Inc.  
Retail  
1386 Massachusetts Ave, Arlington, MA 02476

Prior to the issuance of a final license, Commission staff will evaluate whether the applicant has satisfied the following conditions and otherwise complied with the statutory and regulatory requirements for licensure:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff;
4. Provisional licensure is subject to the payment of the appropriate license fee;
5. Prior to final licensure, the applicant shall submit to Commission staff, upon inspection, an updated timeline as to when its MTC license (Holyoke) will become operational; and
6. Final licensure is subject to the licensee providing to Commission staff, upon inspection, an updated Positive Impact Plan that makes a firm declaration as to the areas of disproportionate impact they will hire individuals from.

#### **WHAT ARE YOUR NEXT STEPS?**

To complete the process for obtaining a provisional license, the applicant must access the license fee payment packet for its approved application in the Massachusetts Cannabis Industry Portal (“MassCIP”). MassCIP will provide instructions for payment and calculate the license fee to be paid. Once your license fee is approved, this letter will serve as your provisional license subject to the conditions listed above. This notice shall be posted in a conspicuous location on the premises of the proposed Marijuana Establishment.



After review and processing of the applicable license fee, the licensee shall submit agent registration applications for all board members, executives, directors, managers, employees and volunteers. The licensee will need to verify their license number which will be the application number listed above without the “N” (for example, application number MCN456789 will have the license number MC456789). Agent applications are reviewed within 7-10 business days. Guidance on agent registration requirements is available on our website at: <https://mass-cannabis-control.com/guidancedocuments/>. Once one of the owners have been approved as a registered agent, you may contact Metrc at (877) 566-6506 and request the process for obtaining administrator credentials. Please note that the Metrc Industry Identification Number needed will populate overnight and be available through MassCIP the next day.

If the licensee plans to build or renovate, it is required to submit an architectural plan and receive approval from the Commission **prior** to work being performed pursuant to 935 CMR 500.103(1)(a). If building or renovations of a building are required or expected to be performed, please complete an Architectural Plan Review Request form located on our website at: <https://mass-cannabis-control.com/wp-content/uploads/2018/12/FORM-ARCHITECTURAL-PLAN-REVIEW-REQUEST.pdf>.

If no building or renovations are needed, or once all construction has been completed, the licensee is subject to inspections by Commission staff prior to being eligible for consideration of a final license. The licensee must officially request its initial inspection called a Post-Provisional License Inspection (“PPLI”). In order to officially request a PPLI, the licensee must submit the following documents: (1) Request for PPLI Form and (2) a detailed floor plan of the Marijuana Establishment that shows all entrances/exits, any loading bays, limited access areas including the identification of rooms utilized for cultivation (if applicable), and retail operations that will be accessible by the public (if applicable).

The Request for PPLI Form is attached to this notice. Please complete the form and submit it, along with the detailed floor plan, to [inspections@cccmass.com](mailto:inspections@cccmass.com). Upon receipt of the request and supporting documentation, you will receive notice from Commission staff informing you of the date, time, and location of the inspection.

Please be advised that the issuance of a provisional license is based on the materials or information supplied in support of an application, and certain organizational changes must be approved by the Commission. 935 CMR 500.104(1). The provisional licensee must also provide timely notice to the Commission if it discovers that application information has changed, or that the information provided was misleading, incorrect, false, or fraudulent. 935 CMR 500.104(2). Finally, a provisional license may not be assigned or transferred without prior approval by the Commission. 935 CMR 500.103(2)(b). The failure to comply with these or other regulatory requirements may result in the suspension or revocation of a provisional license and the denial of a final license. 935 CMR 500.400 and 500.450. **Please note that the Marijuana Establishment shall not possess marijuana for adult-use operations prior to being approved for a final license.**

Please be advised that the Commission promulgated revised regulations effective as of November 1, 2019. All licensees must be in compliance with the most recent version of the Commission’s regulations prior to requesting their PPLI. The Commission’s regulations can be found here: <https://mass-cannabis-control.com/the-laws/>.



If there are any questions with regards to this notice, please contact the Commission at [licensing@cccmass.com](mailto:licensing@cccmass.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Collins", with a long horizontal flourish extending to the right.

Shawn Collins  
Executive Director



## **REQUEST FOR POST-PROVISIONAL LICENSE INSPECTION (“PPLI”)**

Please use this form to officially request a PPLI. This form may be used to request inspections on multiple licenses provided that all the listed licenses operate at the same location. Please submit an additional request for a license located at a different location.

**Name of the Marijuana Establishment:**

**Inspection Requested on License Number(s):**

**Location of Marijuana Establishment:**

**Contact Information:**

**As a Person with Direct or Indirect Control over the Marijuana Establishment, I certify that the Marijuana Establishment is in full compliance with 935 CMR 500 (dated 11/1/19), and more specifically, I certify full compliance with the following:** *(please initial all that apply for the license(s) in which an inspection is being requested)*

1. ☐ **General Security Requirements**
  - a. Surveillance video coverage of all areas that will contain marijuana;
  - b. Alarm systems are active and working properly;
  - c. Lock and entry control systems are in good working order;
  - d. All limited access areas are clearly and appropriately identified;
  - e. Identification badges are utilized for all individuals within the establishment;
  - f. Visitor logs are utilized and maintained appropriately; and
  - g. All other requirements under 935 CMR 500.110.
2. ☐ **Storage of Marijuana Requirements**
  - a. All storage areas are clear, orderly, and free from infestation;
  - b. All storage areas have adequate lighting and ventilation; and
  - c. All other requirements under 935 CMR 500.105(3).
3. ☐ **Transportation Requirements**
  - a. All vehicles have GPS devices;
  - b. All marijuana that will be transported within the vehicles will be contained within a secured, locked storage compartment that is not easily removable from the vehicle; and
  - c. All other requirements under 935 CMR 500.105(13).
4. ☐ **Operating Procedures and Record-Keeping Requirements**



- a. The following documents are kept appropriately and will be made available for inspection:
  - i. Business records;
  - ii. Employee and employee training records;
  - iii. All contractual agreements the establishment is currently subject to;
  - iv. Standard Operating Procedures Manual;
  - v. All other records required under 935 CMR 500.105(9) and 500.160.

5. ☐ **Local Compliance and Business Information**

- a. Local permits, i.e. building permit, certificates of occupancy, special permits, have been obtained and are ready for verification; and
- b. Limited liability insurance policy has been obtained and is ready for verification.

6. ☐ **Advertising and Marketing Requirements**

- a. All marketing practices, advertising, and logos are in compliance with 935 CMR 500.105(4).

7. ☐ **Specific Additional Requirements per License Type**

- a. Cultivators: All requirements under 935 CMR 500.120;
- b. Product Manufacturers: All requirements under 935 CMR 500.105(5), 500.130, and 500.150.
- c. Retailers: All requirements under 935 CMR 500.140 including, but not limited to, adult-use consumer educational materials; and
- d. Independent Testing Laboratories: All requirements under 935 CMR 500.160.

8. ☐ **Provisional License Conditions**

- a. All conditions of the provisional license have been satisfied. Documentation to show compliance is available and ready for Commission staff to review during the inspection.

**Name of Person with Direct or Indirect Control over the Marijuana Establishment:**

**Signature of Person with Direct or Indirect Control over the Marijuana Establishment:**

**Date of Request:**

**Note: It is the responsibility of every Marijuana Establishment to ensure compliance with 935 CMR 500. To ensure overall compliance, please refer to the regulations located at: <https://mass-cannabis-control.com/the-laws/>.**

**Please email this PPLI request, along with a detailed floor plan, to [inspections@cccmass.com](mailto:inspections@cccmass.com) when ready for an inspection.**





## **Town of Arlington, Massachusetts**

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**Environmental**



## **Town of Arlington, Massachusetts**

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**Restaurant**



## **Town of Arlington, Massachusetts**

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**Public Health Nurse**